



PAPERS RELATING TO THE CABINET MISSION TO INDIA 1946

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STATEMENT BY THE CABINET MISSION TO INDIA AND HIS EXCELLENCY
THE VICEROY

1. On the 15th March last, just before the despatch of the Cabinet Mission to India, Mr. Attlee, the British Prime Minister, used these words :—

“ My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide ; but our desire is to help her to set up forth with the machinery for making that decision.

“ I hope that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so.

“ But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.”

2. Charged in these historic words, we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try to reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India, and an interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people ; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence which has been submitted to the Mission ; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India ; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign state of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas : one in the North-West consisting of the provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan ; the other in the North-East consisting of the provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument

for a separate state of Pakistan was based, first, upon the right of the Muslim majority to decide their method of government according to their wishes, and, secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six provinces enumerated above would be very considerable as the following figures* show :—

North-Western Area—

	<i>Muslim</i>	<i>Non-Muslim</i>
Punjab	16,217,242	12,201,577
North-West Frontier Province . .	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan	438,930	62,701
	<hr/> 22,653,294	<hr/> 13,840,231
	62·07 per cent. 37·93 per cent.	

North-Eastern Area—

Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	<hr/> 36,447,913	<hr/> 34,063,345
	51·69 per cent. 48·31 per cent.	

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate sovereign state of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem ; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and of Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally, in our view, be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur divisions in the Punjab ; (b) the whole of Assam except the district of Sylhet ; and (c) a large part of Western Bengal, including Calcutta, in which city the percentage of the Muslim population is 23·6 per cent. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs, leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem.

*All population figures in this statement are from the most recent census taken in 1941.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian Armed Forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan state are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign states.

12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which provinces would have full autonomy subject only to a minimum of central subjects, such as foreign affairs, defence and communications.

Under this scheme provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a central executive and legislature in which some ministers, who dealt with compulsory subjects, were responsible to the whole of India while other ministers, who dealt with optional subjects, would be responsible only to those provinces who had elected to act together in respect of such subjects. This difficulty would be accentuated in the central legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their provinces were not concerned were under discussion. Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other provinces, which did not desire to take the optional subjects at the centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendations we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rules of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form :—

- (1) There should be a Union of India, embracing both British India and the States which should deal with the following subjects : foreign affairs, defence, and communications ; and should have the powers necessary to raise the finances required for the above subjects.
- (2) The Union should have an executive and a legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.
- (3) All subjects other than the Union subjects and all residuary powers should vest in the provinces.
- (4) The States will retain all subjects and powers other than those ceded to the Union.
- (5) Provinces should be free to form groups with executives and legislatures, and each group could determine the provincial subjects to be taken in common.
- (6) The constitutions of the Union and of the groups should contain a provision whereby any province could by a majority vote of its legislative assembly call for a reconsideration of the terms of the constitution after an initial period of ten years and at ten-yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above programme but to set in motion machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any assembly to decide a new constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise, but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new constitution. The only practicable course is to utilise the recently elected Provincial Legislative Assemblies as electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of Provincial Legislative Assemblies do not bear the same proportion to the total population in each province. Thus, Assam, with a population of 10 million, has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the province. Thus the number of seats reserved for Moslems in the Bengal Legislative Assembly is only 48 per cent. of the total, although they form 55 per cent. of the provincial population. After a most careful consideration of the various methods by which these points might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

- (a) to allot to each province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.

- (b) to divide this provincial allocation of seats between the main communities in each province in proportion to their population.
- (c) to provide that the representatives allocated to each community in a province shall be elected by members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India, General, Moslem and Sikh, the "General" Community including all persons who are not Moslems or Sikhs. As smaller minorities would upon a population basis have little or no representation, since they would lose the weightage which assures them seats in Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to minorities.

19. (i) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislative Assembly (General, Moslem or Sikh) electing its own representatives by the method of proportional representation with single transferable vote :—

TABLE OF REPRESENTATION

SECTION A			
Province—	General	Muslim	Total
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
Total	167	20	187
SECTION B			
Province—	General	Muslim	Sikhs Total
Punjab	8	16	4 28
North-West Frontier Province	0	3	0 3
Sind	1	3	0 4
Total	9	22	4 35
SECTION C			
Province—	General	Muslim	Total
Bengal	27	33	60
Assam	7	3	10
Total	34	36	70
Total for British India	292		
Maximum for Indian States	93		
Total	385		

NOTE.—In order to represent the Chief Commissioners' Provinces there will be added to Section A the member representing Delhi in the Central Legislative Assembly, the member representing Ajmer-Merwara in the Central Legislative Assembly and a representative to be elected by the Coorg Legislative Council. To Section B will be added a representative of British Baluchistan.

(ii) It is the intention that the States would be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculation of population adopted for British India, exceed 93 ; but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a negotiating committee.

(iii) Representatives thus chosen shall meet at New Delhi as soon as possible.

(iv) A preliminary meeting will be held at which the general order of business will be decided, a chairman and other officers elected and an Advisory Committee (see paragraph 20 below) on rights of citizens, minorities and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into three sections shown under A, B and C in the Table of Representation in sub-paragraph (i) of this paragraph.

(v) These sections shall proceed to settle provincial constitutions for the provinces included in each section and shall also decide whether any group constitution shall be set up for those provinces and if so with what provincial subjects the group should deal. Provinces should have power to opt out of groups in accordance with the provisions of sub-clause (viii) below.

(vi) The representatives of the sections and the Indian States shall reassemble for the purpose of settling the Union constitution.

(vii) In the Union Constituent Assembly resolution varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which, if any, resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(viii) As soon as the new constitutional arrangements have come into operation it shall be open to any province to elect to come out of any group in which it has been placed. Such a decision shall be taken by the legislature of the province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas will contain due representation of the interests affected and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, clauses for protecting minorities, and a scheme for the administration of tribal and excluded areas, and to advise whether these rights should be incorporated in the provincial, the group or the Union constitutions.

21. His Excellency the Viceroy will forthwith request the provincial legislatures to proceed with the election of their representatives and the States to set up a negotiating committee.

It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy tasks of day-to-day administration, there is the grave danger of famine to be countered, there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future and there are important international conferences in which India has to be represented. For all these purposes a government having popular support is necessary. The Viceroy has already started discussions to this end and hopes soon to form an interim Government in which all the portfolios, including that of War Member, will be held by

Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India, who now have the opportunity of complete independence, we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new Constitution under which they will live. Despite the labours which we have shared with the Indian parties and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that, at this supreme moment in Indian history, statesmanship demands mutual accommodation and we ask you to consider the alternative to the acceptance of these proposals. After all the efforts which we and the Indian parties have made together for agreement, we must state that, in our view, there is small hope of a peaceful settlement by the agreement of the Indian parties alone. The alternative would, therefore, be a grave danger of violence, chaos and even civil war. The gravity and duration of such a disturbance cannot be foreseen, but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen and the world as a whole. We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole 400 millions of Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope, in any event, that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be, we look forward with you to your ever-increasing prosperity among the greatest nations of the world and to a future even more glorious than your past.

Correspondence and Documents connected with the Conference between the Cabinet Delegation and His Excellency the Viceroy, and Representatives of the Congress and the Muslim League, May 1946.

No. 1

LETTER FROM LORD PETHICK-LAWRENCE TO MAULANA ABUL KALAM AZAD AND MR. JINNAH, DATED 27TH APRIL 1946.

The Cabinet Mission and His Excellency the Viceroy have carefully reviewed the opinions expressed to them by the various representatives they have interviewed and have come to the conclusion that they should make one further attempt to obtain agreement between the Muslim League and the Congress.

They realise that it would be useless to ask the two Parties to meet unless they were able to place before them a basis of negotiation which could lead to such an agreement.

I am therefore asked to invite the Muslim League to send four negotiators to meet the Cabinet Mission and the Viceroy together with a similar number from the Congress Working Committee with a view to discussing the possibility of agreement upon a scheme based upon the following fundamental principles :

The future constitutional structure of British India to be as follows :—

A Union Government dealing with the following subjects :—Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary Sovereign rights.

It is contemplated that the Indian States will take their appropriate place in this structure on terms to be negotiated with them.

I would point out that we do not think it either necessary or desirable further to elaborate these principles as all other matters could be dealt with in the course of the negotiations.

If the Muslim League and Congress are prepared to enter into negotiations on this basis, you will perhaps be so good as to let me know the names of the four people appointed to negotiate on their behalf. As soon as I receive these I will let you know the locus of the negotiations which will in all probability be in Simla, where the climate will be more temperate.

No. 2

LETTER FROM THE PRESIDENT OF THE CONGRESS TO LORD PETHICK-LAWRENCE, DATED 28TH APRIL 1946.

I thank you for your letter of April 27th. I have consulted my colleagues of the Congress Working Committee in regard to the suggestion made by you, and they desire me to inform you that they have always been willing to discuss fully any matters concerning the future of India with representatives of the Muslim League or any other organisation. I must point out, however, that the "fundamental principles" which you mention require amplification and elucidation in order to avoid any misunderstanding.

As you are aware, we have envisaged a Federal Union of autonomous units. Such a Federal Union must of necessity deal with certain essential subjects of which defence and its allied subjects are the most important. It must be organic and must have both an executive and legislative machinery as well as the finance relating to these subjects and the power to raise revenues for these purposes in its own rights. Without these functions and powers it would be weak and disjointed and defence and progress in general would suffer. Thus among the common subjects in addition to Foreign Affairs, Defence and Communications, there should be Currency, Customs, Tariffs and such other subjects as may be found on closer scrutiny to be intimately allied to them.

Your reference to two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, is not clear. The only predominantly Muslim Provinces are the North-West Frontier Province, Sind and Baluchistan. Bengal and Punjab have a bare Muslim majority. We consider it wrong to form groups of Provinces under the Federal Union and more so on religious or communal basis. It also appears that you leave no choice to a Province in the matter of joining or not joining a group. It is by no means certain that a Province as constituted would like to join any particular group. In any event it would be wholly wrong to compel a Province to function against its own wish. While we agree to the Provinces having full powers in regard to all remaining subjects as well as the residuary powers, we have also stated that it should be open to any Province to exercise its option to have more common subjects with the Federal Union. Any sub-federation within the Federal Union would weaken the Federal Centre and would be otherwise wrong. We do not, therefore, favour any such development.

Regarding the Indian States we should like to make it clear that we consider it essential that they should be parts of the Federal Union in regard to the common subjects mentioned above. The manner of their coming into the Union can be considered fully later.

You have referred to certain "fundamental principles" but there is no mention of the basic issue before us, that is, Indian independence and the consequent withdrawal of the British army from India. It is only on this basis that we can discuss the future of India, or any interim arrangement.

While we are ready to carry on negotiations with any party as to the future of India, we must state our convictions that reality will be absent from any negotiations whilst an outside ruling power still exists in India.

I have asked three of my colleagues of the Congress Working Committee, namely Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan to accompany me in any negotiations that may take place as a result of your suggestion.

No. 3

LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO LORD PETHICK-LAWRENCE,
DATED 29TH APRIL 1946.

I thank you for your letter of the 27th April, which I placed before my Working Committee yesterday morning.

My colleagues and I fully appreciate the further attempt that the Cabinet Mission and His Excellency the Viceroy are making to bring about an agreement between the Muslim League and the Congress by proposing a meeting of the representatives of the two organisations for the purpose of negotiating an agreement. They, however, desire me to invite your attention to the position taken up by the Muslim League since the passing of the Lahore Resolution in 1940 and, thereafter, successively endorsed by the All India Muslim League Sessions and again by the Convention of the Muslim League Legislators, as recently as the 9th of April, 1946, as per copy enclosed.

The Working Committee desire to point out that many important matters, both of principle and detail, in your brief letter, require elucidation and clarification, which, in their opinion, can be achieved at the meeting proposed by you.

Therefore, without prejudice or commitment, the Working Committee, in their anxiety to assist in finding an agreed solution of the Indian constitutional problem, have authorised me to nominate three representatives on behalf of the Muslim League to participate in the negotiations.

The following are the four names :—

1. Mr. M. A. Jinnah,
2. Nawab Mohammad Ismail Khan,
3. Nawabzada Liaquat Ali Khan, and
4. Sardar Abdur Rab Nishtar.

ENCLOSURE TO MR. JINNAH'S LETTER TO LORD PETHICK-LAWRENCE, DATED 29TH APRIL, 1946.

Resolution passed by the Subjects Committee, to be placed before the All-India Muslim League Legislators Convention on April 9th, 1946.

Whereas in this vast sub-continent of India a hundred million Muslims are the adherents of a Faith which regulates every department of their life (educational, social, economic and political), whose code is not confined merely to spiritual doctrines and tenets or rituals and ceremonies and which stands in sharp contrast to the exclusive nature of Hindu Dharma and Philosophy which has fostered and maintained for thousands of years a rigid Caste System resulting in the degradation of 60 million human beings to the position of untouchables, creation of unnatural barriers between man and man and superimposition of social and economic inequalities on a large body of the people of this country, and which threatens to reduce Muslims, Christians and other minorities to the status of irredeemable helots, socially and economically ;

whereas the Hindu Caste System is a direct negation of nationalism, equality, democracy and all the noble ideals that Islam stands for ;

whereas different historical backgrounds, traditions, cultures and social and economic orders of the Hindus and Muslims have made impossible the evolution of a single Indian nation inspired by common aspirations and ideals and whereas after centuries they still remain two distinct major nations ;

whereas soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule which meant that the majority of one nation or society could impose its will on the majority of the other nation or society in spite of their opposition as was amply demonstrated during the two and a half years regime of Congress Government in the Hindu majority Provinces under the Government of India Act, 1935, when the Muslims were subjected to untold harassment and oppression as a result of which they were convinced of the futility and ineffectiveness of the so called safeguards provided in the Constitution and in the instrument of Instructions to the Governors and were driven to the irresistible conclusion that in a United Indian Federation, if established, the Muslims even in majority Provinces would meet no better fate and their rights and interests could never be adequately protected against perpetual Hindu Majority at the Centre ;

whereas the Muslims are convinced that with a view to save Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent State comprising Bengal and Assam in the North-East zone and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West zone :

This Convention of the Muslim League Legislators of India, Central and Provincial, after careful consideration hereby declares that the Muslim Nation will never submit to any constitution for a United India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India, which does not conform to the following just and equitable principles calculated to maintain internal peace and tranquility in the country, will not contribute to the solution of the Indian problem :

1. That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely Pakistan zones, where the Muslims are in a dominant majority, be constituted into a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay ;

2. That two separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions ;

3. That the minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League Resolution passed on the 23rd March 1940, at Lahore ;

4. That the acceptance of the Muslim League demand of Pakistan and its implementation without delay are the *sine qua non* for the Muslim League co-operation and participation in the formation of an interim Government at the Centre.

This Convention further emphatically declares that any attempt to impose a constitution on a United India basis or to force any interim arrangement at the Centre contrary to the Muslim League demand will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

No. 5

LETTER FROM LORD PETHICK-LAWRENCE TO THE PRESIDENT OF THE CONGRESS,
DATED 29TH APRIL 1946.

Thank you for your letter of 28th April. The Cabinet Delegation are very glad to know that the Congress agree to enter the joint discussion with representatives of the Muslim League and ourselves.

We have taken note of the views you have expressed on behalf of the Working Committee of Congress. These appear to deal with matters which can be discussed at the Conference, for we have never contemplated that acceptance by Congress and the Muslim League of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement, and what we have asked the Congress Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Muslim League in order to discuss it.

Assuming that the Muslim League, whose reply we expect to receive in the course of the afternoon, also accept our invitation, we propose that these discussions should be held at Simla, and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Congress representatives to be in Simla in time to open the discussions on the morning of Thursday, May 2nd.

No. 6

LETTER FROM LORD PETHICK-LAWRENCE TO THE PRESIDENT OF THE MUSLIM LEAGUE,
DATED 29TH APRIL 1946.

Thank you for your letter of the 29th April. The Cabinet Delegation are very glad to know that the Muslim League agree to enter the joint discussion with the representatives of the Congress and ourselves. I am glad to say I have received a letter from the President of the Congress to say that they are also willing to participate in the proposed discussions and have nominated Maulana Azad, Pandit Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan as their representatives.

We have taken note of the resolution of the Muslim League to which you draw our attention. We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.

We propose that these discussions should be held at Simla and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Muslim League representatives to be in Simla in time to open the discussions on the morning of Thursday, May 2nd.

No. 7

AGENDA

1. Groups of Provinces—

- (a) Composition.
- (b) Method of deciding Group subjects.
- (c) Character of Group organisation.

2. Union—

- (a) Union subjects.
- (b) Character of Union Constitution.
- (c) Finance.

3. Constitution-making Machinery—

- (a) Composition.
- (b) Functions.
 - (i) in respect of Union ;
 - (ii) in respect of Groups ;
 - (iii) in respect of Provinces.

No. 8.

LETTER FROM THE PRESIDENT OF CONGRESS TO LORD PETHICK LAWRENCE, DATED
6TH MAY 1946

My colleagues and I followed with care the proceedings of the conference yesterday and tried to understand what our conversations were leading up to. I confess to feeling somewhat mystified and disturbed at the vagueness of our talks and some of the assumptions underlying them. While we would like to associate ourselves with every effort to explore ways and means of finding a basis for agreement, we must not deceive ourselves, the Cabinet Mission or the representatives of the Muslim League into the belief that the way the conference has so far proceeded furnishes hope of success. Our general approach to the questions before us was stated briefly in my letter to you of April 28th. We find that this approach has been largely ignored and a contrary method has been followed. We realise that some assumptions have to be made in the early stages as otherwise there can be no progress. But assumptions which ignore or run contrary to fundamental issues are likely to lead to misunderstandings during the later stages.

In my letter of April 28th, I stated that the basic issue before us was that of Indian independence and the consequent withdrawal of the British army from India, for there can be no independence so long as there is a foreign army on Indian soil. We stand for the independence of the whole of India now and not in the distant or near future. Other matters are subsidiary to this and can be fitly discussed and decided by the Constituent Assembly.

At the conference yesterday I referred to this again and were glad to find that you and your colleagues, as well as the other members of the conference, accepted Indian independence as the basis of our talks. It was stated by you that the Constituent Assembly would finally decide about the nexus or other relationship that might be established between a free India and England. While this is perfectly true, it does not affect the position now, and that is the acceptance of Indian independence now.

If that is so then certain consequences inevitably follow. We felt yesterday that there was no appreciation of those consequences. A Constituent Assembly is not going to decide the question of independence ; that question must be and, we take it, has been decided now. That Assembly will represent the will of the free Indian nation and give effect to it. It is not going to be bound by any previous arrangements. It has to be preceded by a Provision Government which must function, as far as possible, as a government of free India, and which should undertake to make all arrangements for the transitional period.

In our discussions yesterday repeated references were made to "groups" of Provinces functioning together, and it was even suggested that such a group would have an executive and legislative machinery. This method of grouping has not so far been discussed by us but still our talks seemed to presume all this. I should like to make it very clear that we are entirely opposed to any executive or legislative machinery for a group of Provinces or units of the Federation. That will mean a sub-federation, if not something more, and we have already told you that we do not accept this. It would result in creating three layers of executive and legislative bodies, an arrangement which will be cumbrous, static and disjointed, leading to continuous friction. We are not aware of any such arrangement in any country.

'We are emphatically of opinion that it is not open to the conference to entertain any suggestions for a division of India. If this is to come, it should come through the Constituent Assembly free from any influence of the present governing power.

Another point we wish to make clear is that we do not accept the proposal for parity as between groups in regard to the executive or legislature. We realise that everything possible should be done to remove fears and suspicions from the mind of every group and community. But the way to do this is not by unreal methods which go against the basic principles of democracy on which we hope to build up our constitution.

No. 9

LETTER FROM LORD PETHICK-LAWRENCE TO THE PRESIDENTS OF THE MUSLIM LEAGUE AND THE CONGRESS, DATED 8TH MAY 1946

My colleagues and I have been thinking over the best method of laying before the Conference what in our judgment seems the most likely basis of agreement as shown by the deliberations so far.

We have come to the conclusion that it will be for the convenience of the parties if we commit this to writing and send them confidential copies before the Conference meets again.

We hope to be in a position to let you have this in the course of the morning. But as this will give you too short a time to study it adequately before the proposed resumption of the Conference at 3 o'clock this afternoon, I feel sure that you will agree that the meeting be postponed until the same hour (3 o'clock) tomorrow afternoon, Thursday, 9th May, and I hope that you will concur in this change of time which we are convinced is in the interests of all parties.

No. 10

LETTER FROM THE PRIVATE SECRETARY TO LORD PETHICK-LAWRENCE TO THE PRESIDENTS OF THE CONGRESS AND THE MUSLIM LEAGUE, DATED 8TH MAY 1946

With reference to the Secretary of State's letter to you this morning the Cabinet Delegation wish me to send to you the enclosed document which is the paper to which the Secretary of State referred. The Delegation propose that this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m. if that is agreeable to the Congress/Muslim delegates.

No. 11

Enclosure with letter of 8th May

SUGGESTED POINTS FOR AGREEMENT BETWEEN THE REPRESENTATIVES OF CONGRESS AND THE MUSLIM LEAGUE

1. There shall be an All-India Union Government and Legislature dealing with Foreign Affairs, Defence, Communications, fundamental rights and having the necessary powers to obtain for itself the finances it requires for these subjects.

2. All the remaining powers shall vest in the Provinces.

3. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

4. The groups may set up their own Executives and Legislatures.

5. The Legislature of the Union shall be composed of equal proportions from the Muslim-majority Provinces and from the Hindu-majority Provinces whether or not these or any of them have formed themselves into groups; together with representatives of the States.

6. The Government of the Union shall be constituted in the same proportion as the Legislature.

7. The constitutions of the Union and the groups (if any) shall contain a provision whereby any Province can by a majority vote of its Legislative Assembly call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

For the purpose of such reconsideration a body shall be constituted on the same basis as the original Constituent Assembly and with the same provisions as to voting and shall have power to amend the constitution in any way decided upon.

8. The constitution-making machinery to arrive at a constitution on the above basis shall be as follows :—

- A. Representatives shall be elected from each Provincial Assembly in proportion to the strengths of the various parties in that assembly on the basis of 1/10th of their numbers.
- B. Representatives shall be invited from the States on the basis of their population in proportion to the representation from British India.
- C. The Constituent Assembly so formed shall meet at the earliest date possible in New Delhi.
- D. After its preliminary meeting at which the general order of business will be settled it will divide into three sections, one section representing the Hindu-majority Provinces one section representing the Muslim majority Provinces and one representing the States.
- E. The first two sections will then meet separately to decide the Provincial constitutions for their group and, if they wish, a group constitution.
- F. When these have been settled it will be open to any Province to decide to opt out of its original group and into the other group or to remain outside any group.
- G. Thereafter the three bodies will meet together to settle the constitution for the Union on the lines agreed in paragraphs 1-7 above.
- H. No major point in the Union constitution which affects the communal issue shall be deemed to be passed by the Assembly unless a majority of both the two major communities vote in its favour.

9. The Viceroy shall forthwith call together the above constitution-making machinery which shall be governed by the provisions stated in paragraph 8 above.

No. 12

LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO LORD PETHICK-LAWRENCE, DATED 8TH MAY 1946

I have now received the letter of your Private Secretary, dated 8th May 1946, and the enclosed document to which you had referred in your earlier letter of 8th May 1946. It is proposed by you that this "paper" be discussed at the next meeting of the conference to be held on Thursday afternoon at 3 p.m. if this is agreeable to the Muslim League Delegation.

Your proposal embodied in your letter of 27th April 1946 runs as follows :—

"A Union Government dealing with the following subjects;—Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all residuary sovereign rights".

This matter was to be discussed at Simla and we agreed to attend the Conference on Sunday, 5th May 1946, on the terms of my letter, dated 28th April 1946.

You were good enough to explain your formula and then after hours of discussion on the 5th and 6th of May, the Congress finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union.

Next, your formula clearly envisaged an agreement precedent between the Congress and the Muslim League with regard to the grouping of Muslim and Hindu Provinces and the formation of two Federations of the grouped Provinces and it followed that there must be two constitution making machineries. It was on that basis that some kind of Union was suggested in your formula confined only to three subjects and our approval was sought in order to put into this skeleton blood and flesh. This proposal was also categorically turned down by the Congress and the meeting had to be adjourned for the Mission to consider the matter further as to what steps they may take in the matter.

And now the new enclosed document has been sent to us with a view that "this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m." The heading of the paper is "Suggested Points for Agreement Between the Representatives of Congress and the Muslim League." By whom are they suggested, it is not made clear.

We are of the opinion that the new suggested points for agreement are a fundamental departure from the original formula embodied in your letter of 27th April which was rejected by the Congress.

To mention some of the important points we are now asked to agree that there should be one All-India Union Government in terms of paragraphs 1—7 of this paper, which adds one more subject to be vested in the Union Government, i.e., "Fundamental Rights", and it is not made clear whether the Union Government and Legislature will have power or not to obtain for itself the finance by means of taxation.

In the new "suggestions" the question of grouping of Provinces is left exactly as the Congress spokesmen desired in the course of discussions that have taken place hitherto, and is totally different from your original formula.

That there should be a single constitution-making body we can never agree to : nor can we agree to the method of formation of constitution-making machineries suggested in the paper.

There are many other objectionable features contained in the suggestions which we have not dealt with as we are only dealing with the main points arising out of this paper. In these circumstances, we think, no useful purpose will be served to discuss this paper, as it is a complete departure from your original formula, unless after what we have said above you still desire us to discuss it in the Conference itself to-morrow.

No. 13

LETTER FROM LORD PETHICK-LAWRENCE TO THE PRESIDENT OF THE MUSLIM LEAGUE
DATED 9TH MAY 1946.

I have to acknowledge your letter of yesterday which I have shown to my colleagues. In it you raise a number of issues to which I propose to reply in order.

1. You claim that Congress "finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union". This statement is not in accord with my recollection of what took place in the Conference room. It is true that the Congress representatives expressed their view that the limitation was too narrow and argued further that even so limited it necessarily included certain ancillary matters. Up to a point you recognised that there was some force in the argument because you agreed, as I understood, that some power to obtain the necessary finance must be given. There was no final decision on this matter (or of course on any other).

2. Next you claim, if I understand you aright, that our reference to the formation of groups is at variance with the formula in our invitation. I am afraid I cannot accept this view. It is of course a slightly amplified form because it specifies the manner in which the Provinces can decide as to joining any particular group. This amplified form is put forward by us as a reasonable compromise between the views of the Muslim League and those originally expressed by Congress against grouping

3. You further take exception to the machinery that we suggest should be set up for making the constitution. I would point out to you however that you yourself in explaining how your two constitution-making bodies would work agreed on Tuesday last in the Conference that they would have to join together in the end to decide the constitution of the Union and you took no exception to their having a preliminary session in common to decide procedure. What we are proposing is in fact precisely the same thing expressed in different words. I am therefore quite at a loss to understand what you have in mind when you use the words "this proposal was also categorically turned down by the Congress".

4. In your next succeeding paragraph you ask who it is that makes the suggestions that are contained in the document I sent you. The answer is the Cabinet Mission and His Excellency the Viceroy who make them in our endeavour to bridge the gap between the viewpoints of the Congress and the Muslim League.

5. You next take exception to our departing from the original formula in my invitation. I would remind you that in accepting my original invitation neither the Muslim League nor the Congress bound itself to accept in full the original formula, and in my reply of April 29th I wrote these words :—

"We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves & representatives of the Congress in order to discuss it". Indeed this is the only sensible attitude because the object of all our discussions is to explore every conceivable possibility of reaching agreement.

6. "Fundamental Rights" were included by us in our suggestions for addition to the list of Union subjects because it seemed to us that it would be of benefit both to the large communities and to the small minorities for them to be put in and accordingly to be worthy of consideration in our conference. As to finance it will of course be quite open to discuss on the Conference the precise significance of the inclusion of this word in its context.

7. Your two following paragraphs are mainly a recapitulation of your previous arguments and have been already dealt with above.

From your last paragraph I understand that though you do not consider in the circumstances that any good purpose would be served by the attendance of the Muslim League delegation at the conference fixed for this afternoon, you are willing to come if we express a desire that you should do so. My colleagues and I wish to obtain the views of both parties on the document submitted and therefore would be glad to see you at the Conference.

No. 14

LETTER FROM THE PRESIDENT OF CONGRESS TO LORD PETHICK-LAWRENCE, DATED
9TH MAY 1946

My colleagues and I have given the most careful consideration to the memorandum sent by you yesterday suggesting various points of agreement. On the 28th April I sent you a letter in which I explained briefly the Congress view-point in regard to certain "Fundamental principles" mentioned in your letter of 27th April. After the first day of the conference, on May 6th, I wrote to you again to avoid any possible misunderstanding regarding the issues being discussed in the conference.

I now find from your memorandum that some of your suggestions are entirely opposed to our views and to the views repeatedly declared by the Congress. We are thus placed in a difficult position. It has been and is our desire to explore every avenue for a settlement and a change-over in India by consent, and for this purpose we are prepared to go far. But there are obvious limits beyond which we cannot go if we are convinced that this would be injurious to the people of India and to India's progress as a free nation.

In my previous letters I have laid stress on the necessity of having a strong and organic Federal Union. I have also stated that we do not approve of sub-federations or grouping of Provinces in the manner suggested, and are wholly opposed to parity in executives or legislatures as between wholly unequal groups. We do not wish to come in the way of Provinces or other units co-operating together, if they so choose, but this must be entirely optional.

The proposals you have put forward are meant, we presume, to limit the free discretion of the Constituent Assembly. We do not see how this can be done. We are at present concerned with one important aspect of a larger problem. Any decision on this aspect taken now might well conflict with the decisions we, or the Constituent Assembly, might want to take on other aspects. The only reasonable course appears to us is to have a Constituent Assembly with perfect freedom to draw up its constitution, with certain reservations to protect the rights of minorities. Thus we may agree that any major communal issue must be settled by consent of the parties concerned, or where such consent is not obtained, by arbitration.

From the proposals you have sent us (8 D.E.F.G.) it would appear that two or three separate constitutions might emerge for separate groups, joined together by a flimsy common super-structure left to the mercy of the three disjointed groups.

There is also compulsion in the early stages for a Province to join a particular group whether it wants to or not. Thus why should the Frontier Province which is clearly a Congress Province, be compelled to join any group hostile to the Congress?

We realise that in dealing with human beings, as individuals or groups, many considerations have to be borne in mind besides logic and reason. But logic and reason cannot be ignored altogether, and unreason and injustice are dangerous companions at any time and, more especially, when we are building for the future of hundreds of millions of human beings.

I shall now deal with some of the points in your memorandum and make some suggestions in regard to them.

No. 1.—We note that you have provided for the Union to have necessary powers to obtain for itself the finance it requires for the subjects it deals with. We think it should be clearly stated that the Federal Union must have power to raise revenues in its own right. Further that currency and customs must in any event be included in the Union subjects, as well as such other subjects as on closer scrutiny may be found to be intimately allied to them. One other subject is an essential and inevitable Union subject and that is Planning. Planning can only be done effectively at the Centre, though the Provinces or units will give effect to it in their respective areas.

The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

Nos. 5 and 6.—We are entirely opposed to the proposed parity, both in the Executive and Legislature, as between wholly unequal groups. This is unfair and will lead to trouble. Such a provision contains in itself the seed of conflict and the destruction of free growth. If there is no agreement on this or any similar matter, we are prepared to leave it to arbitration.

No. 7.—We are prepared to accept the suggestion that provision be made for a reconsideration of the constitution after ten years. Indeed the constitution will necessarily provide the machinery for its revision at any time.

The second clause lays down that reconsideration should be done by a body constituted on the same basis as the Constituent Assembly. This present provision is intended to meet an emergency. We expect that the constitution for India will be based on adult suffrage. Ten years hence India is not likely to be satisfied with anything less than adult suffrage to express its mind on all grave issues.

No. 8-A.—We would suggest that the just and proper method of elections, fair to all parties, is the method of proportional representation by single transferable vote. It might be remembered that the present basis of election for the Provincial Assemblies is strongly weighted in favour of the minorities.

The proportion of 1/10th appears to be too small and will limit the numbers of the Constituent Assembly too much. Probably the number would not exceed 200. In the vitally important tasks the Assembly will have to face, it should have large numbers. We suggest that at least one-fifth of the total membership of the Provincial Assemblies should be elected for the Constituent Assembly.

No. 8-B.—This clause is vague and requires elucidation. But for the present we are not going into further details.

No. 8 D.E.F.G.—I have already referred to these clauses. We think that both the formation of these groups and the procedure suggested are wrong and undesirable. We do not wish to rule out the formation of the groups if the Provinces so desire. But this subject must be left open for decision by the Constituent Assembly. The drafting and settling of the constitution should begin with the Federal Union. This should contain common and uniform provisions for the Provinces and other units. The Provinces may then add to these.

No. 8-H.—In the circumstances existing today we are prepared to accept some such clause. In case of disagreement the matter should be referred to arbitration.

I have pointed out above some of the obvious defects, as we see them, in the proposals contained in your memorandum. If these are remedied, as suggested by us, we might be in a position to recommend their acceptance by the Congress. But as drafted in the memorandum sent to us, I regret that we are unable to accept them.

On the whole, therefore, if the suggestions are intended to have a binding effect, with all the will in the world to have an agreement with the League, we must repudiate most of them. Let us not run into any evil greater than the one all of us three parties should seek to avoid.

If an agreement honourable to both the parties and favourable to the growth of free and united India cannot be achieved, we would suggest that an interim Provisional Government responsible to the elected members of the Central Assembly be formed at once and the matters in dispute concerning the Constituent Assembly between the Congress and the League be referred to an independent tribunal.

No. 15

After a proposal by Pandit Jawaharlal Nehru that an Umpire should be appointed to settle matters of difference between the parties, the Conference, understanding that there was a likelihood of agreement on an Umpire between the parties, was adjourned and the following correspondence passed between the parties.

LETTER FROM PANDIT JAWAHARLAL NEHRU TO PRESIDENT OF MUSLIM LEAGUE,
DATED 10TH MAY 1946

In accordance with our decision yesterday at the Conference, my colleagues have given a good deal of thought to the choice of a suitable umpire. We have felt that it would probably be desirable to exclude Englishmen, Hindus, Muslims and Sikhs. The field is thus limited. Nevertheless we have drawn up a considerable list from which a choice can be made. I presume that you have also, in consultation with your executive, prepared a list of possible umpires. Would you like these two lists to be considered by us, that is, by you and me? If so, we can fix up a meeting for the purpose. After we have met, our recommendation can be considered by the eight of us, that is, the four representatives of the Congress and the four representatives of the Muslim League, and a final choice can be made, which we can place before the Conference when it meets tomorrow.

No. 16

LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO PANDIT JAWAHARLAL NEHRU, DATED MAY 10TH 1946

I received your letter of 10th May at 6 P.M.

At yesterday's meeting between you and me at the Viceregal Lodge, we discussed several points besides the fixing of an umpire. After a short discussion, we came to the conclusion that we will further examine your proposal made by you at the Conference yesterday, with all its implications after your and my consulting our respective colleagues.

I shall be glad to meet you to consider the various aspects of your proposal any time that may suit you tomorrow morning after 10 o'clock.

No. 17

LETTER FROM PANDIT JAWAHARLAL NEHRU TO THE PRESIDENT OF MUSLIM LEAGUE,
DATED MAY 11TH 1946

Your letter of May 10th reached me at ten last night.

During the talk we had at Viceregal Lodge, you referred to various matters besides the choice of an umpire and I gave you my reactions in regard to them. But I was under the impression that the proposal to have an umpire had been agreed to and our next business was to suggest names. Indeed it was when some such agreement was reached in the Conference that we had our talk. My colleagues have proceeded on this basis and prepared a list of suitable names. The Conference will expect us to tell them this afternoon the name of the umpire we fixed upon, or at any rate to place before them suggestions in this behalf.

The chief implication in having an umpire is to agree to accept his final decision. We agree to this. We suggest that we might start with this and report accordingly to the Conference.

As suggested by you, I shall come over to your place of residence at about 10-30 this morning.

No. 18

LETTER FROM THE PRESIDENT OF THE MUSLIM LEAGUE TO PANDIT JAWAHARLAL NEHRU, DATED MAY 11TH 1946

I am in receipt of your letter of the 11th May.

During the talk we had at the Viceregal Lodge, which lasted for about fifteen or twenty minutes, I pointed out various aspects and implications of your proposal and we had a discussion for a little while, but no agreement was arrived at between you and me on any point except that at your suggestion that you consult your colleagues and I should do likewise we adjourned to meet again the next day to further discuss the matter.

I shall be glad to meet you at 10-30 this morning for a further talk.

No. 19

MEMORANDUM BY THE PRESIDENT OF MUSLIM LEAGUE EMBODYING MINIMUM DEMANDS BY WAY OF AN OFFER, IN ACCORDANCE WITH THE CONFERENCE DECISION

(Copies sent to Cabinet Mission and Congress.)

PRINCIPLES TO BE AGREED TO AS OUR OFFER

1. The six Muslim Provinces (Punjab, N.-W.F.P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the Constitution-making bodies of the two groups of Provinces—Muslim Provinces (hereinafter named Pakistan Group) and Hindu Provinces—sitting together.

2. There shall be a separate Constitution-making body for the six Muslim Provinces named above, which will frame Constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.

3. The method of election of the representatives to the Constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each Province of the Pakistan Group.

4. After the Constitutions of the Pakistan Federal Government and the Provinces are finally framed by the Constitution-making body it will be open to any Province of the Group to decide to opt out of its Group, provided the wishes of the people of that Province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the joint Constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two Constitution-making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature, if any.

7. No major point in the Union Constitution which affects the communal issue shall be deemed to be passed in the joint Constitution-making body, unless the majority of the members of the Constitution-making body, of the Hindu Provinces and the majority of the members of the Constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

9. In Group and Provincial Constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

10. The Constitution of the Union shall contain a provision whereby any Province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are inter-dependent.

No. 20

POINTS SUGGESTED ON BEHALF OF THE CONGRESS AS A BASIS FOR AGREEMENT, 12TH MAY 1946

1. The Constituent Assembly to be formed as follows :—

- (i) Representatives shall be elected by each Provincial Assembly by Proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assembly or others.
- (ii) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly shall draw up a constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning as well as such other subjects as, on closer scrutiny may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right. The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

3. All the remaining powers shall vest in the Provinces or Units.

4. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

5. After the Constituent Assembly has decided the constitution for the All-India Federal Union as laid down in paragraph 2 above, the representatives of the Provinces may form groups to decide the Provincial constitutions for their group and, if they wish, a group constitution.

6. No major point in the All-India Federal Constitution which affects the shall be deemed to be passed by the Constituent Assembly unless of the community or communities concerned present.

in Assembly and voting are separately in its favour. Provided that in case there is no agreement on any such issue, it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue, the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution-making, the specific issue shall be referred to arbitration.

8. The constitution should provide machinery for its revision, at any time subject to such checks as may be desired. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years.

No. 21

NOTE BY THE CONGRESS ON THE PRINCIPLES TO BE AGREED UPON AS SUGGESTED ON BEHALF OF THE MUSLIM LEAGUE, DATED 12TH MAY 1946

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below briefly :—

(1) We suggest that the proper procedure is for one Constitution-making body or Constituent Assembly to meet for the whole of India and later for groups to be formed if so desired by the Provinces concerned. The matter should be left to the Provinces and if they wish to function as a group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the group mentioned, and the North-West Frontier Province, as the elections show is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the central subjects, vesting in the Provinces. They can make such use of them as they like and, as has been stated above, function as a group. What the ultimate nature of such group may be cannot be determined at this stage and should be left to the representatives of the Provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the Provinces where there is weightage in favour of certain communities. The principal approved of would necessarily apply to all the Provinces.

(4) There is no necessity for opting out of a Province from its group as the previous consent of the Provinces is necessary for joining the group.

(5) We consider it essential that the Federal Union should have a Legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7). We are entirely opposed to parity of representation as between groups of Provinces in the Union executive or legislature. We think that the provision to the effect that no major communal issue in the Union constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities. We have suggested something wider and including all communities than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no government or Legislature can function at all. Once we have safeguarded major communal issues other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We therefore, entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of Fundamental Rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these Fundamental Rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its revision. It may also contain a provision for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

A. Statement issued by the Cabinet Mission in New Delhi on the 25th May, 1946

The Delegation have considered the statement of the President of the Muslim League dated 22nd May and the resolution dated 24th May of the Working Committee of the Congress.

2. The position is that since the Indian leaders after prolonged discussion failed to arrive at an agreement the Delegation put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

3. The Delegation wish also to refer briefly to a few points that have been raised in the statement and resolution.

4. The authority and the functions of the Constituent Assembly and the procedure which it is intended to allow are clear from the Cabinet Delegation's statement. Once the Constituent Assembly is formed and working on this basis there is no intention of interfering with its discretion or questioning its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which, we believe, are not controversial, namely: adequate provision for the protection of the minorities (paragraph 20 of the statement) and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (paragraph 22 of the statement).

5. It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. Whether the right so given will be exercised is a matter for them to decide.

6. The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta municipality.

7. In Coorg the whole Legislative Council will have the right to vote but the official members will receive instructions not to take part in the election.

8. The interpretation put by the Congress resolution on paragraph 15 of the statement, to the effect that the Provinces can in the first instance make the choice whether or not to belong to the Section in which they are placed, does not accord with the Delegation's intentions. The reasons for the grouping of the Provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the groups after the constitution making has been completed will be exercised by the people themselves, since at the first election under the new provincial Constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

9. The question of how the States representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

10. It is agreed that the interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India and a long step towards independence. H. M. G. will recognise the effect of these changes, will attach the fullest weight to them and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

11. As the Congress statement recognises, the present Constitution must continue during the interim period and the interim Government cannot, therefore, be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government, individually or by common consent, from resigning if they fail to pass an important measure through the Legislature or if a vote of non-confidence is passed against them.

12. There is, of course, no intention of retaining British troops in India against the wish of an independent India under the new Constitution ; but during the interim period, which it is hoped will be short, the British Parliament has under the present Constitution the ultimate responsibility for the security of India and it is necessary, therefore, that British troops should remain.

The following is the text of the pronouncements referred to in the first paragraph of the foregoing statement :—

(a) STATEMENT MADE BY MR. M. A. JINNAH, PRESIDENT OF THE ALL-INDIA MUSLIM LEAGUE, ON THE 22ND MAY, 1946

I have now before me the statement of the British Cabinet Delegation and His Excellency the Viceroy dated 15th of May, 1946, issued at Delhi. Before I deal with it I should like to give a background of the discussions that took place at Simla from the 5th of May onwards till the Conference was declared concluded and its breakdown announced in the official Communique dated 12th May, 1946.

We met in the Conference on the 5th of May to consider the formula embodied in the letter of the Secretary of State for India, dated 27th April, 1946, inviting the League representatives.

The formula was as follows :—

“ A Union Government dealing with the following subjects : Foreign Affairs, Defence and Communications. There will be two groups of provinces, the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective groups desire to be dealt with in common. The provincial governments will deal with all other subjects and will have all the residuary sovereign rights.”

The Muslim League position was that :

Firstly, the zones comprising Bengal and Assam in the North East and Punjab, N. W. F. P., Sind and Baluchistan in the North-West of India constituted Pakistan zones and should be constituted as a sovereign independent State ; and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay ;

Secondly, that separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions ;

Thirdly, that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore Resolution ;

Fourthly, that the acceptance of the League demand and its implementation without delay were a *sine qua non* for the League co-operation and participation in the formation of an interim Government at the Centre ;

Fifthly, it gave a warning to the British Government against any attempt to impose a Federal constitution on a united India basis, or forcing any interim arrangement at the Centre contrary to the League demand ; and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of faith of the declaration of His Majesty's Government made in August, 1940, with the approval of the British Parliament and subsequent announcements by the Secretary of State for India and other responsible British statesmen from time to time, reaffirming the August Declaration.

We accepted the invitation to attend the Conference without prejudice and without any commitment and without accepting the fundamental principles underlying this short formula of the Mission, on the assurance given by the Secretary of State for India in his letter dated 29th April, 1946, wherein he said:

“ We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.”

The Congress position in reply to the invitation was stated in their letter of 28th April that a strong Federal Government at the Centre with present provinces as federating units be established and they laid down that Foreign Affairs, Defence, Currency, Customs, Tariffs "and such other subjects as may be found on closer scrutiny to be intimately allied to them" should vest in the Central Federal Government. They negatived the idea of grouping of provinces. However, they also agreed to participate in the Conference to discuss the formula of the Cabinet Delegation.

After days of discussion no appreciable progress was made and, finally, I was asked to give our minimum terms in writing. Consequently we embodied certain fundamental principles of our terms in writing as an offer to the Congress, in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on the 12th of May and a copy of it was sent to the Cabinet Delegation at the same time.

The following were the terms of the offer made by the Muslim League Delegation:

(1) The six Muslim provinces (Punjab, N.W. F. P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the Constitution-making bodies of the two groups of provinces—Muslim provinces (hereinafter named Pakistan Group) and Hindu Provinces—sitting together.

(2) There shall be a separate Constitution-making body for the six Muslim provinces named above, which will frame Constitutions for the (Group and the provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the provinces.

(3) The method of election of the representatives to the Constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each province of the Pakistan Group.

(4) After the Constitution of the Pakistan Federal Government and the provinces are finally framed by the Constitution-making body, it will be open to any province of the Group to decide to opt out of its Group, provided the wishes of the people of that province are ascertained by a referendum to opt out or not.

(5) It must be open to discussion in the joint Constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two Constitution-making bodies but in no event shall it be by means of taxation.

(6) There shall be parity of representation between the two Groups of provinces in the Union Executive and the Legislature, if any.

(7) No major point in the Union Constitution which affects the communal issue shall be deemed to be passed in the joint Constitution-making body, unless the majority of the members of the Constitution-making body of the Hindu provinces and the majority of the members of the Constitution-making body of the Pakistan Group, present and voting, are separately in its favour.

(8) No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three fourths.

(9) In Group and Provincial Constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

(10) The Constitution of the Union shall contain a provision whereby any province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution and will have the liberty to secede from the Union at any time after an initial period of ten years.

The crux of our offer, as it will appear from its text was, *inter alia*, that the six Muslim provinces should be grouped together as Pakistan Group and the remaining as Hindustan Group and on the basis of two Federations we were willing to consider the

Union or Confederation strictly confined to three subjects only, *i.e.*, Foreign Affairs, Defence and Communications necessary for Defence, which the two sovereign Federations would voluntarily delegate to the Confederation. All the remaining subjects and the residue were to remain vested in the two Federations and the provinces respectively. This was intended to provide for a transitional period as after an initial period of ten years we were free to secede from the Union. But, unfortunately, this most conciliatory and reasonable offer was in all its fundamentals not accepted by the Congress, as will appear from their reply to our offer. On the contrary, their final suggestions were the same as regards the subjects to be vested with the Centre, as they had been before the Congress entered the Conference ; and they made one more drastic suggestion for our acceptance that the Centre " must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies". This was stated in their reply dated 12th May, 1946, which was communicated to us.

At this stage the Conference broke down and we were informed that the British Cabinet Delegation would issue their statement which is now before the public.

To begin with, the statement is cryptic with several lacunas and the operative part of it is comprised of a few short paragraphs to which I shall refer later.

I regret that the Mission should have negatived the Muslim demand for the establishment of a complete sovereign State of Pakistan, which we still hold is the only solution of the constitutional problem of India and which alone can secure stable governments and lead to the happiness and welfare, not only of the two major communities, but of all the peoples of this sub-continent. It is all the more regrettable that the Mission should have thought fit to advance commonplace and exploded arguments against Pakistan and resorted to special pleadings, couched in a deplorable language, which is calculated to hurt the feelings of Muslim India. It seems that this was done by the Mission simply to appease and placate the Congress, because when they come to face the realities, they themselves have made the following pronouncement embodied in the paragraph 5 of the statement which says :—

"This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India ; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule.

"This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests."

And again in paragraph 12 :

"This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in paragraph 12 of the statement ?

I shall now deal with some of the important points in the operative part of the statement :—

(1) They have divided Pakistan into two what they call Section B (for the North-Western Zone) and Section C (for the North-Eastern Zone).

(2) Instead of two constitution-making bodies only one Constitution-making body is devised with three sections A, B and C.

(3) They lay down that :

" There should be a Union of India, embracing both British India and the States, which should deal with the following subjects : Foreign Affairs, Defence and Communications ; and should have the powers necessary to raise the finances required for the above subjects."

There is no indication at all that the Communications would be restricted to what is necessary for Defence nor is there any indication as to how this Union will be empowered to raise finances required for these three subjects, while our view was that finances should be raised only by contribution and not by taxation.

(4) It is laid down that :

"The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

While our view was :

(a) that there should be no Legislature for the Union, but the question should be left to the Constituent Assembly to decide ;

(b) that there should be parity of representation between Pakistan Group and the Hindustan Group in the Union Executive and Legislature, if any ; and

(c) that no decision, legislative, executive or administrative, should be taken by the Union in regard to any matter of a controversial nature, except by a majority of three-fourths ; all these three terms of our offer have been omitted from the statement.

No doubt, there is one safeguard for the conduct of business in the Union Legislature that :—

"any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

even this is vague and ineffective. To begin with, who will decide and how as to what is a major communal issue and what is a minor communal issue and what is a purely, non-communal issue ?

(5) Our proposal that Pakistan Group should have a right to secede from the Union after an initial period of ten years, although the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of terms of the Union Constitution after an initial period of ten years.

(6) Coming to the Constitution-making machinery, here again, a representative of British Baluchistan is included in section B, but how he will be elected, is not indicated.

(7) With regard to the Constitution-making body for the purpose of framing the proposed Union Constitution, it will have an overwhelming Hindu majority, as in a House of 292 for British India the Muslim strength will be 79, and, if the number allotted to India States, 93, is taken into account, it is quite obvious that the Muslim proportion will be further reduced as the bulk of the States representatives would be Hindus. This Assembly, so constituted, will elect the Chairman and other officers and, it seems, also the members of the Advisory Committee, referred to in paragraph 20 of the statement, by a majority and the same rule will apply also to other normal business. But, I note, that there is only one saving clause which runs as follows :—

"In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide, which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision."

It follows, therefore, that it will be the Chairman alone who will decide. He will not be bound by the opinion of the Federal Court, nor need anybody know what that opinion was, as the Chairman is merely directed to consult the Federal Court.

(8) With regard to the provinces opting out of their Group, it is left to the new legislature of the province after the first general election under the new constitution to decide, instead of a referendum of the people as was suggested by us.

(9) As for paragraph 20 which runs as follows :—

“The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of minorities and a scheme for the administration of the tribal and excluded areas and to advise whether these rights should be incorporated in the Provincial, Group, or Union constitution.”

this raises a very serious question indeed, for, if it is left to the Union Constituent Assembly to decide these matters by a majority vote, whether any of the recommendations of the Advisory Committee should be incorporated in the Union Constitution, then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and Council of the All-India Muslim League, which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the pros and cons and a thorough and dispassionate examination of the statement of the British Cabinet Delegation and His Excellency the Viceroy.

(b) RESOLUTION PASSED BY THE CONGRESS WORKING COMMITTEE ON 24TH MAY 1946

The Working Committee has given careful consideration to the Statement dated 16th May, 1946, issued by the Delegation of the British Cabinet and the Viceroy on behalf of the British Government, as well as the correspondence relating to it that has passed between the Congress President and the members of the Delegation. They have examined it with every desire to find a way for a peaceful and co-operative transfer of power and the establishment of a free and independent India. Such an India must necessarily have a strong central authority capable of representing the nation with power and dignity in the counsels of the world. In considering the Statement, the Working Committee have kept in view the picture of the future, in so far as this was available to them from the proposals made for the formation of a Provisional Government and the clarification given by members of the Delegation. This picture is still incomplete and vague. It is only on the basis of the full picture that they can judge and come to a decision as to how far this is in conformity with the objectives they aim at. These objectives are : independence for India, a strong, though limited, central authority, full autonomy for the provinces, the establishment of a democratic structure in the centre and in the units, the guarantee of the fundamental rights of each individual so that he may have full and equal opportunities of growth, and further that each community should have opportunity to live the life of its choice within the larger framework.

The Committee regret to find a divergence between these objectives and the various proposals that have been made on behalf of the British Government, and, in particular, there is no vital change envisaged during the interim period when the Provisional Government will function, in spite of the assurance given in paragraph 23 of the Statement. If the independence of India is aimed at, then the functioning of the Provisional Government must approximate closely in fact, even though not in law, to that independence and all obstructions and hindrances to it should be removed. The continued presence of a foreign army of occupation is a negation of independence.

The Statement issued by the Cabinet Delegation and the Viceroy contains certain recommendations and suggests a procedure for the building up of a Constituent Assembly, which is sovereign in so far as the framing of the constitution is concerned. The Committee do not agree with some of these recommendations. In their view it will be open to the Constituent Assembly itself at any stage to make changes and variations, with the proviso that in regard to certain major communal matters a majority decision of both the major communities will be necessary.

The procedure for the election of the Constituent Assembly is based on representation in the ratio of one to a million, but the application of this principle appears to have been overlooked in the case of European members of Assemblies, particularly in Assam and Bengal. Therefore, the Committee expect that this oversight will be corrected.

The Constituent Assembly is meant to be a fully elected body, chosen by the elected members of the Provincial Legislatures. In Baluchistan there is no elected assembly or any other kind of chamber which might elect a representative for the Constituent Assembly. It would be improper for any kind of nominated individual to speak for the whole province of Baluchistan, which he really does not represent in any way.

In Coorg the Legislative Council contains some nominated members as well as Europeans elected from a special constituency of less than a hundred electors. Only the elected members from the general constituencies should participate in the election.

The Statement of the Cabinet Delegation affirms the basic principle of provincial autonomy and residuary powers vesting in the Provinces. It is further said that Provinces should be free to form groups. Subsequently, however, it is recommended that provincial representatives will divide up into sections which "shall proceed to settle the Provincial Constitutions for the Provinces in each section and shall also decide whether any Group Constitution shall be set up for those Provinces". There is a marked discrepancy in these two separate provisions, and it would appear that a measure of compulsion is introduced which clearly infringes the basic principle of provincial autonomy. In order to retain the recommendatory character of the Statement, and in order to make the clauses consistent with each other, the Committee read paragraph 15 to mean that, in the first instance, the respective provinces will make their choice whether or not to belong to the section in which they are placed. Thus the Constituent Assembly must be considered as a sovereign body with final authority for the purpose of drawing up a constitution and giving effect to it.

The provisions in the Statement in regard to the Indian States are vague and much has been left for future decision. The Working Committee would, however, like to make it clear that the Constituent Assembly cannot be formed of entirely disparate elements, and the manner of appointing State representatives for the Constituent Assembly must approximate, in so far as is possible, to the method adopted in the Provinces. The Committee are gravely concerned to learn that even at this present moment some State governments are attempting to crush the spirit of their people with the help of armed forces. These recent developments in the States are of great significance in the present and for the future of India, as they indicate that there is no real change of policy on the part of some of the State governments and of those who exercise paramountcy.

A Provisional National Government must have a new basis and must be a precursor of the full independence that will emerge from the Constituent Assembly. It must function in recognition of that fact, though changes in law need not be made at this stage. The Governor-General may continue as the head of that Government during the interim period, but the Government should function as a cabinet responsible to the Central Legislature. The status, powers and composition of the Provisional Government should be fully defined in order to enable the Committee to come to a decision. Major communal issues shall be decided in the manner referred to above in order to remove any possible fear or suspicion from the minds of a minority.

The Working Committee consider that the connected problems involved in the establishment of a Provisional Government and a Constituent Assembly should be viewed together so that they may appear as parts of the same picture, and there may be co-ordination between the two, as well as an acceptance of the independence that is now recognised as India's right and due. It is only with the conviction that they are engaged in building up a free, great and independent India, that the Working Committee can approach this task and invite the co-operation of all the people of India. In the absence of a full picture, the Committee are unable to give a final opinion at this stage.

B. Memorandum on States' Treaties and Paramountcy presented by the Cabinet Mission to His Highness the Chancellor of the Chamber of Princes on the 12th May, 1946

1. Prior to the recent statement of the British Prime Minister in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiations would not unreasonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that if the Succession Government or Governments in British India desire independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

2. During the interim period which must elapse before the coming into operation of a new Constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

3. In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new Constitutional structure for India, and His Majesty's Government have been informed by the Indian States that they desire, in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions.

4. During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian Constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can should it be so desired.

5. When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be

filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

NOTE :—The following explanatory note was issued by the Cabinet Mission in New Delhi on the date of publication (22nd May, 1946).

“The Cabinet Delegation desire to make it clear that the document issued to-day entitled ‘Memorandum on States Treaties and Paramountcy presented by the Cabinet Delegation to His Highness The Chancellor of the Chamber of Princes’ was drawn up before the Mission began its discussions with Party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words ‘Succession Government or Governments of British India’ an expression which would not of course have been used after the issue of the Delegation’s recent statement.”

1. Letter from Maulana Azad to Secretary of State, dated 20th May

My Committee have carefully considered the statement issued by the Cabinet Delegation on May 16th, and they have seen Gandhiji after the interviews he has had with you and Sir Stafford Cripps. There are certain matters about which I have been asked to write to you.

As we understand the statement, it contains certain recommendations and procedure for the election and functioning of the Constituent Assembly. The Assembly itself, when formed, will, in my Committee's opinion, be a sovereign body for the purpose of drafting the Constitution unhindered by any external authority, as well for entering into a Treaty. Further that it will be open to the Assembly to vary in any way it likes the recommendations and the procedure suggested by the Cabinet Delegation. The Constituent Assembly being a sovereign body for the purposes of the Constitution, its final decisions will automatically take effect.

As you are aware some recommendations have been made in your statement which are contrary to the Congress stand as it was taken at the Simla Conference and elsewhere. Naturally we shall try to get the Assembly to remove what we consider defects in the recommendations. For this purpose we shall endeavour to educate the country and the Constituent Assembly.

There is one matter in which my Committee were pleased to hear Gandhiji say that you were trying to see that the European members in the various provincial assemblies, particularly Bengal and Assam, would neither offer themselves as candidates nor vote for the election of delegates to the Constituent Assembly.

No provision has been made for the election of a representative from British Baluchistan. So far as we know there is no elected assembly or any other kind of chamber which might select such a representative. One individual may not make much of a difference in the Constituent Assembly, but it would make a difference if such an individual speaks for a whole province which he really does not represent in any way. It is far better not to have representation at all than to have this kind of representation which will mislead and which may decide the fate of Baluchistan contrary to the wishes of its inhabitants. If any kind of popular representation can be arranged, we would welcome it. My Committee were pleased, therefore, to hear Gandhiji say that you are likely to include Baluchistan within the scope of the Advisory Committee's work.

In your recommendations for the basic form of the Constitution (page 3 of the printed draft, No. 5)* you state that provinces should be free to form groups with executives and legislatures and each group could determine the provincial subjects to be taken in common. Just previous to this you state that all subjects other than the Union subjects and all residuary powers should vest in the provinces. Later on in the statement, however, on page 5, you state that the provincial representatives to the Constituent Assembly will divide up into three sections and "these sections shall proceed to settle the provincial constitutions for the provinces in each section and shall also decide whether any group constitution shall be set up for these provinces." There appears to us to be a marked discrepancy in these two separate provisions. The basic provision gives full autonomy to a province to do what it likes and subsequently there appears to be a certain compulsion in the matter which clearly infringes that autonomy. It is true that at a later stage the provinces can opt out of any group. In any event it is not clear how a province or its representatives can be compelled to do something which they do not want to do. A provincial Assembly may give a mandate to its representatives not to enter any group or a particular group or section. As sections B and C have been formed it is obvious that one province will play a dominating role in the section, the Punjab in section B and Bengal in section C. It is conceivable that this dominating province may frame a provincial constitution entirely against the wishes of Sind or the North-West Frontier Province or Assam. It may even conceivably lay down rules, for elections and otherwise, thereby nullifying the provision for a province to opt out of a group. Such

*This refers to paragraph 15 of the Statement of the Cabinet Delegation of 16th May, 1946. Cmd. 6821).

could never be the intention as it would be repugnant to the basic principles and policy of the scheme itself.

The question of the Indian States has been left vague and, therefore, I need not say much about it at this stage. But it is clear that State representatives who come into the Constituent Assembly must do so more or less in the same way as the representatives of the provinces. The Constituent Assembly cannot be formed of entirely disparate elements.

I have dealt above with some points arising out of your statement. Possibly some of them can be cleared up by you and the defects removed. The principal point, however, is, as stated above, that we look upon this Constituent Assembly as a sovereign body which can decide as it chooses in regard to any matter before it and can give effect to its decision. The only limitation we recognise is that in regard to certain major communal issues the decision should be by a majority of each of the two major communities. We shall try to approach the public and the members of the Constituent Assembly with our own proposals for removing any defects in the recommendations made by you.

Gandhiji has informed my Committee that you contemplate that British troops will remain in India till after the establishment of the Government in accordance with the instrument produced by the Constituent Assembly. My Committee feel that the presence of foreign troops in India will be a negation of India's independence.

India should be considered to be independent in fact from the moment that the National provisional Government is established.

I shall be grateful to have an early reply so that my Committee may come to a decision in regard to your statement.

2. Letter from Secretary of State to Maulana Azad, dated 22nd May*

The delegation have considered your letter of 20th May and feel that the best way to answer it is that they should make their general position quite clear to you. Since the Indian Leaders after prolonged discussion failed to arrive at an agreement, the Delegation have put forward their recommendations as the nearest approach to reconciling the views of the two main parties. The scheme therefore stands as a whole and can only succeed if it is accepted and worked in a spirit of compromise and co-operation.

You are aware of the reasons for the grouping of the Provinces, and this is an essential feature of the scheme which can only be modified by agreement between the two parties.

There are two further points which we think we should mention. First, in your letter you describe the Constituent Assembly as a sovereign body, the final decisions of which will automatically take effect. We think the authority and the functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the statements. Once the Constituent Assembly is formed and working on this basis, there is naturally no intention to interfere with its discretion or to question its decisions. When the Constituent Assembly has completed its labours, His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the India people, subject only to two provisos which are mentioned in the statement and which are not, we believe, controversial, namely, adequate provision for the protection of minorities and willingness to conclude a treaty to cover matters arising out of the transfer of power.

Secondly, while His Majesty's Government are most anxious to secure that the interim period should be as short as possible, you will, we are sure, appreciate that, for the reasons stated above, independence cannot precede the bringing into operation of a new Constitution.

*The substance of this letter and certain other points were the subject of the Delegation's Statement of 25th May, 1946. (Cmd. 6835).

3. Letter from Maulana Azad to Viceroy, dated 25th May

Your Excellency will remember that the demand of the Congress from the very beginning of the present discussions regarding the Interim Government has been that there must be a legal and constitutional change in order to give it the status of a truly national government. The Working Committee has felt that this is necessary in the interest of a peaceful settlement of the Indian problem. Without such status, the Interim Government could not be in a position to infuse in the Indian people a consciousness of freedom which is to-day essential. Both Lord Pethick-Lawrence and you have, however, pointed out the difficulties in the way of effecting such constitutional changes, while at the same time assuring us that the Interim Government would have in fact, if not in law, the status of a truly national government. The Working Committee feel that after the British Government's declaration that the Constituent Assembly will be the final authority for framing the constitution and any constitution framed by it will be binding, the recognition of Indian independence is imminent. It is inevitable that the Interim Government which is to function during the period of the Constituent Assembly must reflect this recognition. In my last conversation with you, you stated that it was your intention to function as a constitutional head of the government and that in practice the Interim Government would have the same powers as that of a Cabinet of the Dominions. This is, however, a matter which is so important that it would not be fair either to you or to the Congress Working Committee to let it rest upon what transpired in informal conversations. Even without any change in the law there could be some formal understanding by which the Congress Working Committee may be assured that the Interim Government would in practice function like a Dominion Cabinet.

The question of the responsibility of the Interim Government to the Central Assembly may also be treated in the same way. The existing law permits an Executive independent of the Central Legislature, but convention could be created by which its tenure of office would depend on its enjoyment of such confidence.

The other details regarding the composition of the interim Cabinet which came up in my discussions with you would all depend upon the satisfactory solution of the two basic questions enumerated above.

If the questions of status and responsibility of the Interim Government are satisfactorily solved, I am confident that the other questions would present no difficulty at all. As I have already written to you, the Working Committee has been adjourned and will be summoned again when occasion demands. I would request you to let me have an indication of your decision and programme, so that the Working Committee may be summoned accordingly. I am leaving Mussooree on Monday and would request you to reply to my letter there.

4. Letter from Viceroy to Maulana Azad, dated 30th May

I have received your letter of 25th May on the Interim Government.

2. We have discussed this matter on several occasions and I recognise the importance that you and your party attach to a satisfactory definition of the powers of the Interim Government and appreciate your reasons for asking for such a definition. My difficulty is that the most liberal intentions may be almost unrecognisable when they have to be expressed in a formal document.

3. I am quite clear that I did not state to you that the Interim Government would have the same powers as a Dominion Cabinet. The whole Constitutional position is entirely different. I said that I was sure that His Majesty's Government would treat the new Interim Government with the same close consultation and consideration as a Dominion Government.

4. His Majesty's Government have already said that they will give to the Indian Government the greatest possible freedom in the exercise of the day to day administration of the country; and I need hardly assure you that it is my intention faithfully to carry out this undertaking.

5. I am quite clear that the spirit in which the Government is worked will be of much greater importance than any formal document and guarantees. I have no doubt that, if you are prepared to trust me, we shall be able to co-operate in a manner which will give India a sense of freedom from external control and will prepare for complete freedom as soon as the new Constitution is made.

6. I sincerely hope that the Congress will accept these assurances and will have no further hesitation in joining to co-operate in the immense problems which confront us.

7. In the matter of time table you will be aware that the All-India Muslim League Council is meeting on June 5th, at which we understand decisive conclusions are to be reached. I suggest therefore that if you summon your Working Committee to reassemble in Delhi on Friday the 7th, it may be possible for final decisions to be made by all Parties on all outstanding questions early in the following week.

5. Letter from Viceroy to Mr. Jinnah, dated 4th June

Personal and Confidential.

You asked me yesterday to give you an assurance about the action that would be taken if one party accepted the scheme in the Cabinet Delegation's statement of the 16th May, and the other refused.

2. I can give you on behalf of the Cabinet Delegation my personal assurance that we do not propose to make any discrimination in the treatment of either party; and that we shall go ahead with the plan laid down in the statement so far as circumstances permit if either party accepts; but we hope that both will accept.

3. I should be grateful if you would see that the existence of this assurance does not become public. If it is necessary for you to tell your Working Committee that you have an assurance, I should be grateful if you would explain to them this condition.

6. Resolution passed by the Council of the All-India Muslim League on June 6th

1. This meeting of the Council of the All-India Muslim League, after having carefully considered the Statement issued by the Cabinet Mission and the Viceroy on 16th May, 1946, and other relevant statements and documents officially issued in connection therewith, and after having examined the proposals set forth in the said statement in all their bearings and implications, places upon record the following views for the guidance of the Nation and direction to the Working Committee.

2. That the references made, and the conclusions recorded, in paras. 6, 7, 8, 9, 10 and 11 of the Statement, concerning the Muslim demand for the establishment of a full Sovereign Pakistan as the only solution of the Indian Constitutional Problem are unwarranted, unjustified, and unconvincing, and should not therefore have found a place in a State document issued on behalf and with the authority of, the British Government. These paragraphs are couched in such language, and contain such mutilations of the established facts, that the Cabinet Mission have clearly been prompted to include them in their Statement solely with the object of appeasing the Hindus, in utter disregard of Muslim sentiments. Furthermore, the contents of the aforesaid paragraphs are in conflict and inconsistent with the admissions made by the Mission themselves in paras. 5 and 12 of their Statement, which are to the following effect: First, the Mission "were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule." Second, "this feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards." Third, "If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, economic

or other interests." Fourth, "Very real Muslim apprehensions exist that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus, with their greatly superior numbers, must be the dominating element." In order that there may be no manner of doubt in any quarter, the Council of the All-India Muslim League reiterates that the attainment of the goal of a complete sovereign Pakistan still remains the unalterable objective of the Muslims in India for the achievement of which they will, if necessary, employ every means in their power, and consider no sacrifice or suffering too great.

3. That notwithstanding the affront offered to Muslim sentiments by the choice of injudicious words in the preamble to the Statement of the Cabinet Mission, the Muslim League, having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of the Indian constitutional problem, and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory grouping of the six Muslim Provinces in "Section B and C, is willing to co-operate with the constitution-making machinery proposed in the scheme outlined by the Mission, in the hope that it would ultimately result in the establishment of complete sovereign Pakistan, and in the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting the vast subcontinent.

It is for these reasons that the Muslim League is accepting the scheme, and will join the constitution-making body, and it will keep in view the opportunity and right of secession of Provinces or groups from the Union, which have been provided in the Mission's plan by implication. The ultimate attitude of the Muslim League will depend on the final outcome of the labours of the constitution-making body, and on the final shape of the constitutions which may emerge from the deliberations of that body jointly and separately in its three sections. The Muslim League also reserves the right to modify and revise the policy and attitude set forth in this resolution at any time during the progress of the deliberations of the constitution-making body, or the Constituent Assembly, or thereafter if the course of events so require, bearing in mind the fundamental principles and ideals herebefore adumbrated, to which the Muslim League is irrevocably committed.

4. That with regard to the arrangement for the proposed Interim Government at the Centre, this Council authorizes its President to negotiate with the Viceroy and to take such decisions and actions as he deems fit and proper.

7. Letter from Mr. Jinnah to Viceroy, dated 8th June

During the course of our discussions regarding the Interim Government at Simla and thereafter at Delhi on the 3rd of June after my arrival and before the meeting of the Muslim League Working Committee took place, you were good enough to give me the assurance that there will be only twelve portfolios, five on behalf of the League, five Congress, one Sikh and one Christian or Anglo-Indian; and that, as regards the portfolios, the most important portfolios will be equally divided between the League and the Congress in the distribution thereof, further details being left open for discussion.

With your previous permission I informed the Working Committee of this assurance and this was one of the most important considerations which weighed with them together with the statement of the Cabinet Mission. These two together formed one whole and, as such, the Council of the All-India Muslim League has given its final decision on the 6th June. I may further inform you that similarly I had to repeat the assurance to the Council before they finally gave their approval. As you know, the meeting of the All-India Muslim League Council was held in camera and, there again, the house showed great opposition to the scheme in the beginning. During the course of discussions at a very early stage a large body of opposition was satisfied when I made the statement in answer to the very pressing question as to what our position will be with regard to the Interim Government. But for this assurance we would not have got the approval of the Council to the scheme. As requested by you I took as much care as possible to see that it did not become public.

I am writing this letter to you as I find that a very sinister agitation has been set on foot by the Congress press against your formula stated above, which was the turning point in our having secured the decision of the Council.

Any departure from this formula, directly or indirectly, will lead to very serious consequences and will not secure the co-operation of the Muslim League.

You know further that the Congress may adopt an offensive attitude by including a Muslim in their quota, which will be strongly resented by the Muslim League and which will be another very great hurdle before us.

8. Letter from Viceroy to Mr. Jinnah, dated 9th June

Thank you for your letter of yesterday.

You speak of an assurance about the 5 : 5 : 2 ratio. There was no assurance on this point, but I told you, as I told the Congress, that this was what I had in mind. It would be wrong for me to leave you under the impression that there was any assurance, although I hope that we may reach agreement on that basis.

9. Letter from Viceroy to Pandit Nehru and Mr. Jinnah separately, dated 12th June

I am anxious to have an opportunity of consulting you together with Mr. Jinnah/Pandit Jawaharlal Nehru as to how best I can fill the various posts in the Interim Government. Could you come to see me for this purpose at 5 p.m. to-day?

It is not my intention to discuss any question of principle such as "Parity" or otherwise, but to concentrate upon what I know to be our common objective, that is to get the best possible Interim Government drawn from the two major parties and some of the minorities, and to approach this decision by a consideration of what the portfolios should be and how each one can best be filled.

I am sending a similar letter to Mr. Jinnah/Pandit Nehru.

10. Letter from Mr. Jinnah to Viceroy, dated 12th June

I am in receipt of your letter of 12th June.

I have already informed you by my letter dated 8th June, that our decision accepting the scheme embodied in the statement of the Cabinet Delegation was based on your formula of parity, as one of the most important considerations which weighed with the Working Committee and the Council of the Muslim League in finally arriving at their decision.

I understand that the Congress have not yet given their decision, and, it seems to me that until they decide it is not advisable to discuss how best either the personnel or the portfolios should be adjusted. I agree with you that the important portfolios should be equally distributed between the two major parties and we should get the best possible men suited for those portfolios. But I am of the opinion that no use or purpose would be served until the Congress have given their decision with regard to the scheme embodied in the statement of the Mission of the 16th May, 1946.

If you wish to discuss anything further I shall be glad to see you alone.

11. Letter from Pandit Nehru to Viceroy, dated 12th June

I am sorry for the slight delay in answering your letter of today's date. Your invitation to me to see you today at 5 p.m. in order to confer with you and Mr. Jinnah about the Interim Government placed me in a somewhat difficult position. I would gladly meet you at any time, but our official spokes-man in regard to such matters is naturally our President, Maulana Azad. He can speak and confer authoritatively, which I cannot do. It is, therefore, proper that he should be in charge on our behalf

of any authoritative conversations that might take place. But since you have asked me to come I shall do so. I hope, however, that you will appreciate my position and that I can only talk without authority, which vests in our President and the Working Committee.

12. Letter from Maulana Azad to Viceroy, dated 13th June

Thank you for your letter of the 12th June, which I have just received, enquiring after my health. I have now more or less recovered.

Pandit Jawaharlal Nehru has reported to my Committee and me the gist of the conversations between Your Excellency and him. My Committee regret that they are unable to accept your suggestions for the formation of the Provisional National Government. These tentative suggestions emphasise the principle of "parity" to which we have been and are entirely opposed. In the composition of the Cabinet suggested by you there is "parity" between the Hindus including the Scheduled Castes and the Muslim League, that is the number of the Caste Hindus is actually less than the nominees of the Muslim League. The position thus is worse than it was in June 1945 at Simla where, according to your declaration then, there was to be "parity" between Caste Hindus and Muslims, leaving additional seats for the Scheduled Caste Hindus. The Muslim seats then were not reserved for the Muslim League only but could include non-League Muslims. The present proposal thus puts the Hindus in a very unfair position and at the same time eliminates the non-League Muslims. My Committee are not prepared to accept any such proposal. Indeed we have stated repeatedly we are opposed to "parity" in any shape or form.

In addition to this "parity" we are told that there should be a convention requiring that major communal issues should be decided by separate group voting. While we have accepted this principle for long term arrangements we did so as an effective substitute for other safeguards. In your present proposal however, both "parity" and this convention are suggested. This would make the working of the Provisional Government almost impossible and deadlock a certainty.

As I have often pointed out to you we are strongly of the opinion that the Provisional Government should consist of fifteen members. This is necessary to carry out the administration of the country efficiently as well as to give adequate representation to the smaller minorities. We are anxious that the various minorities should have scope in such a government. The work before the Provisional Government is likely to be much heavier and more exacting. In your proposals Communications include Railways Transport, Posts, Telegraphs and Air. It is difficult for us to conceive how all these can be joined together in one portfolio. This would be highly undesirable at any time; with industrial troubles and the possibility of railway strikes this arrangement would be wholly wrong. We think also that Planning is an essential department for the centre. We think, therefore, that the Provisional Government must consist of fifteen members.

The suggested division of portfolios appears to us to be undesirable and unfair.

My Committee would also like to point out that a Coalition Government in order to be successful must have some common outlook and programme for the time being. The manner of approach in forming such a government has been such as to leave this out of consideration and my Committee do not feel any confidence that such a coalition can function successfully.

It was our intention to write to you about some other matters also, but for reasons known to you our letter has been delayed. I shall write to you about these other matters later. My purpose in writing to you now is to convey to you without any delay our reactions on the tentative proposals that you put forward today.

13. Letter from Maulana Azad to Viceroy, dated 14th June.

In my letter to you sent yesterday I promised to send you another letter. I am now doing so.

On May 24th the Congress Working Committee passed a resolution which I conveyed to you. In this resolution we gave our reactions to the statement dated May 16th, 1946, which the British Cabinet Delegation and you issued on behalf of the British Government. We pointed out what were in our opinion some of the omissions and defects in that statement, and we also gave our interpretation of some of its provisions. In a subsequent statement* issued by you and the Cabinet Delegation our viewpoint was not accepted.

You know, and we have repeatedly emphasised this, that our immediate objective has been and is the independence of India. We have to judge everything by this standard. We suggested that even though no legal change might be made at this stage independence in practice might be recognised. This has not been agreed to.

In your letter dated May 30th, 1946, addressed to me, you explained what in your view the status and powers of the Interim Government would be. - This too falls short of what we aim at. Yet the friendly tone* of your letter and our desire to find some way out led us to accept your assurance in these matters. We came to the conclusion also that, unsatisfactory as were many of the provisions of your statement of May 16th, we would try to work them according to our own interpretation and with a view to achieve our objective.

You are no doubt aware of the strong feeling of resentment which exists among large sections of the people against some of the proposals in the statement, notably the idea of grouping. The Frontier Province and Assam have expressed themselves with considerable force against any compulsory grouping. The Sikhs have felt hurt and isolated by these proposals and are considerably agitated. Being a minority in the Punjab, they become still more helpless as far as numbers go in Section B. We appreciated all these objections especially as we ourselves shared them. Nevertheless, we hoped that according to our interpretation of the clauses related to grouping, which we still hold is the correct interpretation, for any other interpretation would endanger the basic principle of Provincial Autonomy, we might be able to get over some of the obvious difficulties.

But two insuperable obstacles remained and we had hoped that you would be able to remove them.

One of these related to the part that European Members of the Provincial Assemblies might play in the election to the Constituent Assembly. We have no objection to Englishmen or Europeans as such, but we do have a strong objection to persons, who are foreigners and non-nationals and who claim to belong to the ruling race, participating in and influencing the elections to the Constituent Assembly. The Cabinet Delegation's statement lays down clearly that the future Constitution of India has to be decided by Indians. The basic principle of the statement of May 16th was the election of a member of the Constituent Assembly to represent one million inhabitants. On this basis, the representatives of 146,000 Muslims in Orissa and 180,000 Hindus and 58,000 Sikhs in the North West Frontier Province have not been given the right to elect any member to the Constituent Assembly. The European population of Bengal and Assam numbers only 21,000, but their representatives can return to the Constituent Assembly by their own vote 7 out of 34 members, thus appropriating to themselves the right to represent 7 millions. They are returned to the Provincial Assemblies by a separate electorate of their own and have been given fantastic weightage. This representation of Europeans in the Constituent Assembly will be at the cost of non-Muslims, that is mainly Hindus, who are already a minority in Bengal. To make a minority suffer in this way is surely utterly wrong. Apart from the question of principle, it is a matter of the utmost importance in practice and may well affect the future both of Bengal and Assam. The Congress Working Committee attach the greatest importance to this. We would like to add that even if the Europeans themselves do not stand for election, but merely vote, the results will be equally bad. The Cabinet Delegation have informed us that beyond promising to use their persuasive powers they could not hold out any assurance to us that these European members would not exercise the right which, we are advised, they do not possess under the statement of May 16th. But if the Delegation hold otherwise, as

*Statement by the Cabinet Delegation dated 25th May. (Cmd. 6835, Pages 3 and 4).

evidently they do, we cannot contemplate a legal fight for their exclusion at the threshold of the Constituent Assembly. Therefore, a clear announcement is necessary that they will not take part as voters or candidates in the election to the Constituent Assembly. We cannot depend on grace or goodwill where rights are concerned.

Equally important, in our view, is the question of "parity" in the proposed Provisional Government. I have already written to you on this subject. This "parity", or by whatever other name it may be called, has been opposed by us throughout and we consider it a dangerous innovation which, instead of working for harmony, will be a source of continuous conflict and trouble. It may well poison our future as other separatist steps in the past have poisoned and need not be treated as a precedent, but no such assurance can prevent an evil step from having evil consequences. We are convinced that even the immediate results of any such provision will be harmful.

If the position about the European vote and "parity" remains my Committee are reluctantly compelled to inform you that they will not be able to assist you in the difficult tasks ahead.

The talk we had with you has not made any substantial difference to the fundamental position. We have noted that, according to your new suggestions, the proposed woman member might be replaced by a Hindu, thus increasing the Hindu members, including Scheduled Caste Representatives, to six. We would be sorry not to have a woman member, but apart from this, the new proposal maintains the old Simla (1945) formula of "parity" between Caste Hindus and Muslims, with the important qualification that now Muslims are supposed to mean members of the Muslim League. We are unable to agree to this proposal and we are still convinced that the Provisional Government must consist of 15 members and that there should be no kind of "parity" in their selection.

14. Letter from Maulana Azad to Viceroy, dated 14th June.

In the course of our talk today you mentioned that among the Muslim League nominees suggested for the Provisional Government was one from the North West Frontier Province who had recently been defeated at the Provincial Elections. This was said by you confidentially and we shall of course treat it as such. But I feel I must inform you, to avoid any possibility of misunderstanding, that any such name will be considered objectionable by us. This objection is not personal, but we feel that the name is suggested for entirely political reasons and we cannot agree to any such course.

15. Letter from Viceroy to Maulana Azad, dated 15th June.

I have received your letter of June 14th. I will reply to it in detail in the course of today.

Meanwhile I must assume from the last paragraph of your letter that my attempt to negotiate an agreement between the two major parties, on the composition of the Interim Government has failed. The Cabinet Delegation and I have therefore decided to issue tomorrow a statement on the action we propose to take; and we will let you have a copy of this before publication.

16. Letter from Viceroy to Maulana Azad, dated 15th June.

This is in answer to your confidential letter of June 14th about one of the Muslim League nominees.

I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability.

17. Letter from Viceroy to Mr. Jinnah, dated 15th June.

I am writing to inform you that after discussion with the Congress Representatives I have failed to negotiate an agreement on the composition of an Interim Government on the basis which I suggested to you. The Cabinet Delegation and myself have therefore decided to issue tomorrow a statement on the action we propose to take; and we will let you have a copy of this before publication.

18. Letter from Viceroy to Maulana Azad, dated 15th June.

I have received your letter of 14th June. You deal with matters on which we have already had much discussion.

2. We are doing every thing possible to further the independence of India. As we have already pointed out, however, there must first be a new Constitution drawn up by the people of India.

3. The Delegation and I are aware of your objections to the principle of grouping. I would however point out that the statement of 16th May does not make grouping compulsory. It leaves the decision to the elected representatives of the Provinces concerned sitting together in sections. The only provision which is made is that the representatives of certain Provinces should meet in sections so that they can decide whether or not they wish to form groups. Even when this has been done the individual Provinces are still to have the liberty to opt out of the group if they so decide.

4. I recognise the difficulty about the Europeans who through no fault of their own find themselves in a difficult position. I still hope that a satisfactory solution of this problem will be found.

5. Our discussions in regard to the Interim Government have been on the basis of political parties and not communities. I understand that this is regarded as preferable now, as it was at the first Simla Conference. In the proposed Interim Government of myself and 13 others, there will be six Congressmen and 5 Muslim Leaguers. I do not see how this can be called parity. Nor is there parity between Hindus and Muslims, there being six Hindus to five Muslims.

6. Even at this last moment, I still hope that the Congress will now accept the statement and consent to join the Interim Government.

19. Letter from Maulana Azad to Viceroy, dated 16th June.

I have received your two letters of June 15th.

I note what you say about grouping. We abide by our interpretation of it.

As regards Europeans, we are clear that even on a legal interpretation of the statement of May 16th, apart from other considerations, they have not the right to participate in the elections to the Constituent Assembly. I am glad you expect a satisfactory solution of this problem.

We have endeavoured in our letter and in the course of our talks to state clearly what our position is in regard to any kind of parity. You will remember that parity was mentioned and considered at the first Simla Conference. That parity was exactly the same as is now suggested by you, that is, parity between caste Hindus and Muslims. Owing to the stress of war and other conditions then existing we were prepared to accept this only for that occasion. It was not to be used as a precedent. Moreover this was subject to the inclusion of at least one Nationalist Muslim. Now conditions have entirely changed and we have to consider the question in another context, that of approaching independence and the Constituent Assembly. As we have written to you, in this context and in present circumstances we consider this kind of parity unfair and likely to lead to difficulties. The whole scheme proposed by you in the statement of May 16th is based on absence of weightage. And yet, in the proposed Provisional Government, there is this weightage, in addition to other far-reaching communal safeguards.

We have tried our utmost to arrive at a satisfactory settlement and we shall not despair of it. But such a settlement, in order to be enduring, must be based on strong foundations. So far as the statement of May 16th is concerned our main difficulty, as we wrote to you, was the European vote. If this matter is settled, as now appears likely, then this difficulty also goes.

The second and remaining difficulty relates to the proposals for the Provisional Government which have to be considered together with the statement. The two cannot be separated. These proposals have thus far been unacceptable to us, but if a satisfactory settlement in regard to them is arrived at, we would be in a position to shoulder the burden.

20. Letter from Viceroy to Maulana Azad and Mr. Jinnah separately, dated 16th June.

I send herewith a copy of the statement which as indicated in the letter I sent you yesterday, will be released at 4 P. M. this evening.

As the statement shows, the Cabinet Ministers and I are fully aware of the difficulties that have prevented an agreement on the composition of the Interim Government. We are unwilling to abandon our hope of a working partnership between the two major parties and representatives of the minorities. We have therefore done our best to arrive at a practicable arrangement taking into consideration the various conflicting claims, and the need for obtaining a government of capable and representative administrators.

We hope that the parties will now take their share in the administration of the country on the basis set out in our new statement. We are sure we can rely on you and your Working Committee to look to the wider issues and to the urgent needs of the country as a whole, and to consider this proposal in a spirit of accommodation.

Enclosure :—

21. Statement by the Cabinet Delegation and the Viceroy, dated 16th June (Enclosure to No. 20 above).

1. His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a Coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

2. The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider however that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

3. The Viceroy is therefore issuing invitations to the following to serve as members of the Interim Government, on the basis that the constitution-making will proceed in accordance with the statement of May 16th :

Sardar Baldev Singh.

Sir N. P. Engineer.

Mr. Jagjivan Ram.

Pandit Jawaharlal Nehru.

Mr. M. A. Jinnah.

Nawabzada Liaquat Ali Khan.

Mr. H. K. Mahatab.

Dr. John Matthai.

Nawab Mohammed Ismail Khan.

Khwaja Sir Nazimuddin.

Sardar Abdur Rab Nishtar.

Mr. C. Rajagopalachari.

Dr. Rajendra Prasad.

Sardar Vallabhbhai Patel.

If any of those invited is unable for personal reasons to accept, the Viceroy will after consultation invite some other person in his place.

4. The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

5. The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available coalition Government.

6. The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution-making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.

7. They therefore hope that all parties especially the two major parties will accept this proposal so as to overcome the present obstacles and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

8. In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16th.

9. The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the Constitution-making machinery as put forward in the statement of May 16th.

22. Letter from Mr. Jinnah to Viceroy, dated 18th June.

In the course of my interview with you this evening, you informed me that the Congress proposed to substitute Dr. Zakir Hussain for one of the Caste Hindus invited by you to join the Interim Government although you expressed the hope that they would not do so. I told you that the reaction of Muslim India would be deadly against such a substitution and the Muslim League would never accept the nomination of any Muslim by you other than a Muslim Leaguer. I placed the matter before my Working Committee and it has unanimously endorsed this view and considers it vital and fundamental.

23. Letter from Mr. Jinnah to Viceroy, dated 19th June.

I am in receipt of your letter of the 16th June 1946*, together with an advance copy of the statement by the Cabinet Delegation and yourself of the same date.

In my interview with you at Simla prior to the announcement of the Cabinet Delegation's proposals, you had informed me that you were going to form the Interim Government consisting of twelve members on the basis of five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian. As regards the portfolios you had indicated that the important ones would be equally divided between the Muslim League and the Congress but details of actual allotment were to be left open for discussion. After the statement of the Cabinet Delegation and yourself dated the 16th of May, 1946, you again on the 3rd of June at New Delhi gave me to understand that the formula for the formation of the Interim Government disclosed to me at Simla would be followed. On both the occasions I sought your permission to communicate this information to my Working Committee which you kindly gave. Accordingly I gave a full account of the talks I had with you and the decision of the Working Committee in regard to the acceptance of the long term proposals was largely influenced by the faith which they reposed in the scheme for the formation of the Interim Government disclosed by you to me on the two occasions. Further as I have already pointed out in

*Item 20 above.

my letter to you of the 8th June, 1946, I made the statement before the Council of the All-India Muslim League that that was the formula, which, I was assured by you, would be the basis on which you would proceed to form your Interim Government, and therefore, this formed an integral part of the plan embodied in the statement of the Cabinet Delegation. This was one of the most important considerations which weighed with the Council of the All-India Muslim League also in arriving at their decision, although even then there was a section that was opposed to the plan being accepted.

When the Congress Press started a sinister agitation against Congress-League parity, with a view to inform you of the Muslim League stand. I wrote to you on the 8th June that "any departure from this formula, directly or indirectly, will lead to serious consequences and will not secure the co-operation of the Muslim League".

Subsequently, in my interview with you on the 13th June you informed me that you wanted to alter the basis and proceed on the formula of five Congress, five Muslim League and three others namely, one Sikh, one Scheduled Caste and one Indian Christian. I told you then that if any change was proposed to be made I would have to place the matter before the Working Committee and may have to call another meeting of the Council of the All-India Muslim League. I also informed you that when the Congress finally agreed to your new formula I would then place it before my Working Committee for them to take such action as they deem necessary.

After discussion with the Congress representatives you wrote to me on the 15th June informing me that you had failed to negotiate an agreement on the composition of the Interim Government on the basis of 5 : 5 : 3 and that the Cabinet Delegation and yourself would issue a statement on the 16th of June on the action that you proposed to take and that you would let me have a copy of it before publication.

Accordingly you sent me a copy of the statement by the Cabinet Delegation and yourself issued on the 16th June with a covering letter of the same date which I placed before my Working Committee and who after careful consideration of the matter have authorised me to state as follows :—

(a) That the Working Committee are surprised that invitations have been issued to five Muslim Leaguers to join the Interim Government without calling for a list from the Leader of the Muslim League.

(b) That your latest proposal on the basis of which you now desire to form your Interim Government shows that you have abandoned parity between the Congress and the Muslim League, the two major parties, and have substituted parity between the Muslim League and Caste Hindus, and have added a fourth representative of the minorities, namely, a Parsi. One of the minority representatives nominated by you, i.e., Mr. Jagjivan Ram, is a Congressman and has been selected, it appears, not to give real representation to the Scheduled Castes, but to give an additional seat to the Congress in the Interim Government.

(c) That the modifications which have been made in the original formula for the Interim Government have adversely affected the proportion of the Muslims in the Interim Government as a whole and as against the Congress as a single Group.

(d) That in view of the serious changes which have from time to time been made to satisfy the Congress, it is not possible for the Working Committee to arrive at any decision in the matter of the formation of the Interim Government so long as the Congress does not finally convey its decision on the proposals to you. And

(e) That the question of distribution of portfolios should also be finally decided so that there may be no further hitch created by the Congress in this regard and the Working Committee may have a complete picture before them when they meet to consider the proposals.

Further, I shall be grateful if you will please make the following points clear with reference to your letter and statement of the 16th June :—

(1) Whether the proposals contained in the statement for the setting up of an Interim Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned ;

(2) Whether the total number of 14 Members of the Government as] proposed in the statement would remain unchanged during the interim period ;

(3) If any person or persons invited as representatives of the four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is or are unable to accept the invitation to join the Interim Government for personal or other reasons, how will the vacancy or vacancies thus created be filled by the Viceroy ; and whether in filling up the vacancy or vacancies the Leader of the Muslim League will be consulted and his consent obtained ;

(4) (a) Whether during the interim period for which the Coalition Government is being set up the proportion of Members of the Government, community wise, as provided in the proposals, will be maintained ;

(b) Whether the present representation given to four minorities, viz., the Scheduled Castes, the Sikhs, the Indian-Christians and the Parsis will be adhered to without any change or modification ; and

(5) In view of the substitution of 14 now proposed for the original of 12 and the change made in the original formula, whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim Members are opposed to it.

I trust that you will kindly favour me with your reply as soon as possible.

24. Letter from Viceroy to Maulana Azad, dated 20th June.

You will I am sure appreciate that the Members of the Cabinet Mission have a great deal of urgent work awaiting them in England and are not in a position to prolong their stay in this country indefinitely. I would, therefore, ask your Working Committee to let us have a final answer as soon as possible to the proposals made in your statement on June 16th.

I understand that you have summoned back the Members of the Committee who had left Delhi and in these circumstances we would ask you to let us have your answer not later than Sunday next, June 23rd.

25. Letter from Viceroy to Mr. Jinnah, dated 20th June.

I thank you for your letter of the 19th June which I have shown to the Cabinet Mission.

2. I do not think it is necessary for me to comment on the first part of your letter. I am sure you will appreciate that negotiations designed to secure acceptance by two parties with conflicting interests may not always end on the same basis as that on which they began ; and, as you know, I never gave you any guarantee that they would necessarily be concluded on any particular basis.

3. I note the views of the Muslim League set out in paragraphs (a) to (e) of your letter.

4. The intention in the statement of June 16th was that the discussion of portfolios with leaders of the two main parties should follow the acceptance by both parties of the scheme. This intention still holds, since until the names are known, it is difficult to decide on the distribution of portfolios.

5. On the points which you desire to be made clear, in connection with the Government to be formed under our statement of June 16th, I give you the following reply after consultation with the Delegation :—

(1) Until I have received acceptances from those invited to take office in the interim Government, the names in the statement cannot be regarded as final. But no change in principle will be made in the statement without the consent of the two major parties

2) No change in the number of 14 Members of the Interim Government will be made without the agreement of the two major parties.

(3) If any vacancy occurs among the seats at present allotted to representatives of minorities, I shall naturally consult both the main parties before filling it

(4) (a) and (b) The proportion of members by communities will not be changed without the agreement of the two major parties.

(5) No decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point.

(6) If you agree, I will send copies of the questions in your letter and of paragraphs 4 and 5 of this letter to the President of the Congress.

26. Letter from the Private Secretary to the Viceroy to Nawabzada Liaquat Ali Khan, dated 21st June

Mr. Jinnah asked me last night to write and let you know what action was being taken to secure a quick decision on points outstanding. The Viceroy with the concurrence of the Mission has asked the Congress to reply by Sunday and hopes that the League will also reply by then; if however, this proves impossible he requests that the decision of the League should be communicated immediately thereafter.

26A. Letter from Nawabzada Liaquat Ali Khan to the Private Secretary to the Viceroy, dated 21st June

I am in receipt of your demi-official No. 592/47 dated the 21st June, 1946. I note that the Viceroy with the concurrence of the Mission has asked the Congress to reply by Sunday next.

I have, under the instructions of Mr. Jinnah, already summoned a meeting of the Working Committee on Monday, the 24th June, at 10 A. M., and we will communicate our decision, if the Congress by that time has given its final decision to the Viceroy, as soon as possible through our leader, Mr. Jinnah. Beyond that I have no further instructions from Mr. Jinnah.

27. Letter from Maulana Azad to Viceroy, dated 21st June

I have your Excellency's letter of 20th June, 1946. I appreciate your anxiety to come to an early decision regarding the formation of an Interim Government and I can assure you that my working Committee fully share your anxiety.

A new difficulty, in addition to the old ones, has however been created by the publication in the Press of the alleged contents of Mr. Jinnah's letter to you in which he raises objection to the Congress nominations in the Interim Cabinet. It will be of great assistance to the Working Committee in coming to a decision if they could have copies of these alleged letters and your reply thereto as they deal with vital matters which we have to consider.

28. Letter from Mr. Jinnah to Viceroy, dated 21st June

I thank you for your letter of the 20th June, 1946.

With regard to paragraph 2 of your letter, I regret I am unable to agree with the view that you take.

As regards your request whether you should send copies of the questions 4 (A) and 4 (B) in my letter, and paragraphs 4 and 5 of your letter under reply to the President of the Congress, I have no objection, if you think it proper to do so.

29. Letter from Viceroy to Maulana Azad, dated 21st June

Thanks you for your letter of to-day. Mr. Jinnah in his letter to me of the 19th June put to me the following questions :—

“(1) Whether the proposals contained in the statement for the setting up of an Interim Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned.

(2) Whether the total number of 14 Members of the Government as proposed in the statement would remain unchanged during the interim period.”

(3) If any person or persons invited as representatives of the four minorities viz., the Scheduled Castes, the Sikhs, the Indian Christians, and the Parsis, is or are unable to accept the invitation to join the Interim Government for personal or other reasons, how will the vacancy or vacancies thus created be filled by the Viceroy and whether in filling up the vacancy or vacancies the Leader of the Muslim League will be consulted and his consent obtained.

(4) (a) Whether during the interim period for which a Coalition Government is being set up the proportion of Members of the Government, communitywise, as provided in the proposals will be maintained.

(b) Whether the present representation given to four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis will be adhered to without any change or modification.

(5) In view of the substitution of 14 now proposed for the original of 12 and the change made in the original formula whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim Members are opposed to it.”

2. The operative part of my reply dated 20th June was as follows :—

“The intention in the statement of June 16th was that the discussion of portfolios with Leaders of the two main parties should follow the acceptance by both parties of the scheme. This intention still holds, since until the names are known, it is difficult to decide on the distribution of portfolios.

3. On the points which you desire to be made in clear connection with the Government to be formed under our statement of June 16th, I give you the following reply after consultation with the Delegation.

(1) Until I have received acceptances from those invited to take office in the Interim Government, the names in the statement cannot be regarded as final, but no change in principle will be made in the statement without the consent of the two major parties.

(2) No change in the number of 14 Members of the Interim Government will be made without the agreement of the two major parties.

(3) If any vacancy occurs among the seats at present allotted to representatives of minorities I shall naturally consult both the main parties before filling it.

(4) (a) and (b) The proportion of Members by communities will not be changed without the agreement of the two main parties.

(5) No decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point.”

30. Letter from Viceroy to Maulana Azad, dated 22nd June

I understand from Press reports that there is strong feeling in Congress circles that the party should insist on their right to include a Muslim of their own choice among the representatives of the Congress in the Interim Government.

For reasons of which you are already aware it is not possible for the Cabinet Mission or myself to accept this request, but I would draw your attention to paragraph 5 of the statement of the 16th June which reads as follows :—

“The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available Coalition Government.”

In the light of this assurance that no precedent is established we appeal to the Congress not to press their demand, but to take part in the strong Interim Government which the country so urgently needs.

31. Letter from Maulana Azad to Viceroy, dated 25th June

Ever since the receipt of your statement of June 16th* my Committee have been considering it from day to day and have given long and anxious thought to your proposals and to the invitations you have issued to individuals to form the Provisional National Government. Because of our desire to find some way out of the present most unsatisfactory situation, we have tried our utmost to appreciate your approach and view-point. In the course of our conversation we have already pointed out to you our difficulties. Unfortunately these difficulties have been increased by the recent correspondence.

The Congress, as you are aware, is a national organisation including in its fold the members of all religions and communities in India. For more than half a century it has laboured for the freedom of India and for equal rights for all Indians. The link that has brought all these various groups and communities together within the fold of the Congress is the passionate desire for national independence, economic advance, and social equality. It is from this point of view that we have to judge every proposal. We hoped that a Provisional National Government would be formed which would give effect in practice to this independence. Appreciating some of your difficulties, we did not press for any statutory change introducing independence immediately, but we did expect a de facto change in the character of the Government making for independence in action. The status and powers of the Provisional Government were thus important. In our view this was going to be something entirely different from the Viceroy's Executive Council. It was to represent a new outlook, new methods of work, and a new psychological approach by India to both domestic and external problems. Your letter dated 30th May, 1946, gave us certain assurances about the status and powers of the Provisional Government. These did not go far enough, according to our thinking, but we appreciated the friendly tone of that letter and decided to accept the assurances and not to press this particular matter any further.

The important question of the composition of the Provisional Government remained. In this connection we emphasised that we could not accept anything in the nature of “parity” even as a temporary expedient and pointed out that the Provisional Government should consist of fifteen members to enable the administration of the Country to be carried on efficiently and the smaller minorities to be represented in it. Some mention of names was made and on our part suggestions were put before you informally, including the name of a Non-League Muslim.

In your statement of June 16th, some of the names suggested came as a surprise to us. Several changes had been made from the provisional list prepared by the Congress. The manner of preparing your list and presenting it as an accomplished fact seemed to us to indicate a wrong approach to the problem. One of the names included had not been previously mentioned at all and was that of a person holding an official position and not known to be associated with any public activity. We have no personal objection to him, but we think that the inclusion of such a name particularly without any previous reference or consultation, was undesirable and indicated a wrong approach to the problem.

*Item 21 above.

Then again a name from our list was excluded and in his place another of our colleagues was put in, but as you have said that this can be rectified, I need not say more about it.

One outstanding feature of this list was the non-inclusion of any Nationalist Muslim. We felt that this was a grave omission. We wanted to suggest the name of a Muslim to take the place of one of the Congress names on the list. We felt that no one could possibly object to our changing the name of one of our own men. Indeed when I had drawn your attention to the fact that among the Muslim League nominees was included the name of a person, who had actually lost in the recent elections in the Frontier Province and whose name we felt had been placed there for political reasons, you wrote to me as follows: 'I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability.' But before we could make our suggestion I received your letter of the 22nd June* which surprised us greatly. You had written this letter on the basis of some Press reports. You told us that the Cabinet Mission and you were not prepared to accept a request for the inclusion of a Muslim chosen by the Congress among the representatives of the Congress in the Interim Government. This seemed to us an extraordinary decision. It was in direct opposition to your own statement quoted above. It meant that the Congress could not freely choose even its own nominees. The fact that this was not to be taken as a precedent made hardly any difference. Even a temporary departure from such a vital principle could not be accepted by us at any time or place and in any circumstances.

In your letter of the 21st June†, you give certain questions framed by Mr. Jinnah in his letter dated 19th June, and your replies to them. We have not seen Mr. Jinnah's full letter. In question 3 reference is made to "representation of the four minorities viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsees", and it is asked as to "who will fill in vacancies caused in these groups, and whether in filling up the vacancies the Leader of the Muslim League will be consulted and his consent obtained".

In your answer you say "if any vacancy occurs among the seats at present allotted to Representatives of the minorities, I shall naturally consult both the main parties before filling it". Mr. Jinnah has thus included the Scheduled Castes among the minorities and presumably you have agreed with this view. So far as we are concerned we repudiate this view and consider the Scheduled Castes as integral parts of Hindu Society. You also, in your letter of June 15th‡, treated the Scheduled Castes as Hindus. You pointed out that in your proposal there was no "parity" either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress, as against five Muslims belonging to the League. One of the six Hindus belonged to the Scheduled Castes. We are in any case not agreeable to the Leader of a Party, which claims to represent a community which is a minority, interfering with the selection of names from either the Scheduled Castes, whose representation you counted as falling within the Congress quota, or with the selection of representatives of the minorities mentioned.

In question 4 the Scheduled Castes are again referred to as a minority and it is asked whether the proportion of members of the Government community-wise as provided in the proposals will be maintained. Your answer is that the proportion will not be changed without agreement of the two major parties. Here again one communal group functioning admittedly as such is given a power to veto changes in other groups with which it has no concern. We may desire, if opportunity offers itself, to increase the representation of the Scheduled Castes, or to give representation, when it is possible, to another minority, for example the Anglo-Indians. All this would depend on the consent of the Muslim League. We cannot agree to this. We may add that your answers restrict the Congress representation to Caste Hindus; and make it equal to that of

* Item 30 above.

† Item 30 above.

Finally, you state in answer to question 5 that "No decision of a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it." You further say that you had pointed this out to the Congress President and he had agreed that the Congress appreciated this point. In this connection I desire to point out that we had accepted this principle for the long-term arrangement in the Union Legislature and it could possibly be applied to the Provisional Government if it was responsible to the Legislature and was composed of representatives on the population basis of major communities. It could not be applied to the Provisional Government formed on a different basis altogether. It was pointed out by us in my letter of the 13th June, 1946*, that it would make administration impossible and deadlocks a certainty. Even in the question as framed by Mr. Jinnah it is stated "In view of the substitution of 14 now proposed for the original 12," no major communal issues should be decided if the majority of the Muslim Members are opposed to it. Thus this question arose after the substitution of 14 for 12, i.e., after your statement of 16th June. In this statement no mention is made of this rule. This very important change has been introduced, almost casually and certainly without our consent. This again gives the power of veto or obstruction to the Muslim League in the Provisional Government.

We have stated above our objections to your proposals of 16th June as well as to your answers to the questions framed by Mr. Jinnah. These defects are grave and would render the working of the Provisional Government difficult and deadlocks a certainty. In the circumstances your proposals cannot fulfil the immediate requirements of the situation or further the cause we hold dear.

My Committee have, therefore, reluctantly come to the conclusion that they are unable to assist you in forming a Provisional Government as proposed in your statement of 16th June, 1946.

With regard to the proposals made in the statement of 16th May, 1946, relating to the formation and functioning of the constitution-making body, the Working Committee of the Congress passed a resolution on the 24th May, 1946, and conversations and correspondence have taken place between your Excellency and the Cabinet Mission on the one side and myself and some of my colleagues on the other. In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation of some of the provisions of the statement. While adhering to our views, we accept your proposals and are prepared to work them with a view to achieve our objective. We would add, however, that the successful working of the Constituent Assembly will largely depend on the formation of a satisfactory Provisional Government.

32. Resolution of the Congress Working Committee, dated 25th June

On May 24, the Working Committee passed a Resolution† on the Statement dated May 16 issued by the British Cabinet Delegation and the Viceroy. In this Resolution, they pointed out some defects in the Statement and gave their own interpretation of certain parts of it.

Since then, the Committee has been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the statements of May 16 and June 16, and have considered the correspondence in regard to them between the Congress President and Members of the Cabinet Delegation and the Viceroy. The Committee has examined both these sets of proposals from the point of view of the Congress objective of immediate independence and the opening out of avenues leading to the rapid advance of the masses economically and socially, so that their material standards may be raised and poverty, malnutrition, famine and lack of the necessities in life may be ended, and all the people of the country may have freedom and the opportunity to grow and develop according to their genius.

*Item 12 above.

†Cmd. 6835, pages 9—11.

These proposals fall short of these objectives. Yet the Committee has considered them earnestly in all their aspects because of their desire to find some way for the peaceful settlement of India's problem and the ending of the conflict between India and England.

The kind of independence which Congress has aimed at is the establishment of a united democratic Indian Federation with a Central authority which would command respect from the nations of the world, maximum provincial autonomy, and equal rights for all men and women in the country. The limitation of the Central authority, as contained in the proposals as well as the system of grouping of Provinces, weakened the whole structure and was unfair to some Provinces, such as the North-West Frontier Province, and Assam, and to some of the minorities, notably the Sikhs.

The Committee disapproved of this. They felt, however, taking the proposals as a whole, that there was sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of a Province to act according to its choice in regard to grouping, and to give protection to such minorities as might otherwise be placed at a disadvantage. Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the Constitution-making. It is clear that it would be a breach both of the letter and the spirit of the statement of May 16 if any non-Indian participated in voting or standing for election to the Constituent Assembly.

In the proposals for an Interim Government contained in the Statement of June 16, the defects related to matters of vital concern to the Congress. Some of these have been pointed out in a letter of June 25, from the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function, in fact if not in law, as a de facto independent Government leading to the full independence to come. The Members of such a Government can only hold themselves responsible to the people and not to any external authority. In the formation of a Provisional or other Government, Congressmen can never give up the national character of Congress or accept an artificial and unjust parity, or agree to a veto of a communal group. The Committee are unable to accept the proposals for the formation of an Interim Government as contained in the Statement of June 16.

The Committee have, however, decided that the Congress should join the proposed Constituent Assembly with a view to framing the Constitution of a free, united and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is, in their opinion, essential that a representative and responsible provisional national Government be formed at the earliest possible date. The continuation of an authoritarian and unrepresentative Government can only add to the suffering of the famishing masses and increase discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

The Working Committee recommend accordingly to the All-India Congress Committee, and for the purpose of considering and ratifying this recommendation they convene an emergent meeting of the All-India Congress Committee in Bombay on July 6 and 7.

33. Letter from Viceroy to Mr. Jinnah, dated 25th June

You asked for a letter in confirmation of what the Delegation said to you this evening.

We informed you that the Congress had accepted the Statement of May 16th, while refusing to take part in the Interim Government proposed in the Statement of June 16th.

This has produced a situation in which paragraph 8 of the Statement of June 16th takes effect. This paragraph said that if either of the two major parties was unwilling to join in the setting up of a

in the Statement, the Viceroy would proceed with the formation of an Interim Government "which will be as representative as possible of those willing to accept the Statement of May 16th.

Since the Congress and the Muslim League have now both accepted the Statement of May 16th, it is the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which have already taken place, and since we all have other work to do we feel that it will be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government.

This, therefore, is the course of action we propose to adopt, unless the two main parties can within the next few days agree upon a basis on which they can co-operate in a Coalition Government.

Meanwhile the election and summoning of a Constituent Assembly, as laid down in the Statement of May 16th, are going forward.

34. Letter from Mr. Jinnah to Viceroy, dated 25th June

I am enclosing herewith copy of the resolution passed by the Working Committee of the All-India Muslim League this evening.

Enclosure.

Resolution of Muslim League Working Committee, dated 25th June.

The President of the All-India Muslim League placed before the Working Committee a copy, furnished to him by the Viceroy and the Cabinet Delegation in the course of their interview with him this evening, of the letter of the Congress President addressed to the Viceroy, conveying the decision of the Congress with regard to the proposals of the Cabinet Delegation and the Viceroy contained in their statement of the 16th May and the 16th June, 1946.

1. According to the understanding that the Muslim League Working Committee will give their decision after the Congress has decided, and, as desired by the Viceroy by the letter of his Private Secretary dated 21st June addressed to the Honorary Secretary of the All-India Muslim League, Nawabzada Liaquat Ali Khan, that the decision of the Muslim League be communicated immediately after the reply of the Congress, the Working Committee of the All-India Muslim League hereby resolve to agree to join the Interim Government on the basis of the statement of the Cabinet Delegation and His Excellency the Viceroy dated 16th June, 1946, and the clarifications and assurances given by the Viceroy after consultation with the Cabinet Delegation in his letter dated 20th June, 1946, addressed to the President of the Muslim League.

2. The Working Committee cannot accept the contention of the Congress contained in the aforesaid letter that the Congress is entitled to adhere to its interpretation of some of the provisions in the statement of Cabinet Delegation and His Excellency the Viceroy dated 16th May, 1946, which is opposed to the interpretation and explanation embodied in the statement issued by the Cabinet Delegation and the Viceroy on the 23rd May, 1946.

3. With regard to the rest of the letter of the Congress President, the Working Committee reserve their observation for the present.

35. Letter from Mr. Jinnah to Viceroy, dated 26th June.

I received your letter dated 25th June, 1946, at midnight last night after I had sent you the resolution of my Working Committee passed at its meeting yesterday with a covering letter of the same date, agreeing to join the Interim Government on the basis of the Statement of the Cabinet Delegation and yourself dated 16th June, and the clarifications and assurances given by you after consultation with the Cabinet Delegation in your letter dated the 20th June addressed to me.

I regret that the Congress, while accepting the Statement of the 16th May, should have rejected the proposals regarding the setting up of the Interim Government on the basis of the Statement of 16th June, which was the final decision of the Cabinet. Delegation and yourself in this regard. May I draw your attention to paragraph 8 of the Statement of 16th June which clearly lays down that the acceptance of the Statement of 16th May, and rejection of the final proposals embodied in the Statement of the 16th June, cannot change the basis and principles laid down therein ?

In paragraph 3 of your letter, when you say that the Viceroy would proceed with the formation of an Interim Government "which will be as representative as possible of those willing to accept the Statement of May 16th," the quotation qualifies them to be included in the Interim Government, but only on the basis of and on the principles laid down in your proposals of the 16th June. In these circumstances, as indicated in the statement of 16th June, paragraph 7, that you aimed at inaugurating the Interim Government about 26th June, I hope you will not now delay the matter but go ahead with the formation of the Interim Government on the basis of your Statement of 16th June, 1946.

36. Statement by the Cabinet Mission, dated 26th June 1946.

The Cabinet Mission and the Viceroy are glad that constitution-making can now proceed with the consent of the two major parties and of the States. They welcome the statements made to them by the leaders of the Congress and the Muslim League that it is their intention to try and work in the Constituent Assembly so as to make it a speedy and effective means of devising the new constitutional arrangements under which India can achieve her independence. They are sure that the members of the Constituent Assembly who are about to be elected will work in this spirit.

2. The Cabinet Mission and the Viceroy regret that it has not so far proved possible to form an Interim Coalition Government, but they are determined that the effort should be renewed in accordance with the terms of paragraph 8 of their statement of June 16th. Owing, however to the very heavy burden which has been cast upon the Viceroy and the representatives of the parties during the last three months, it is proposed that the further negotiations should be adjourned for a short interval during the time while the elections for the Constituent Assembly will be taking place. It is hoped that when the discussions are resumed, the leaders of the two major parties who have all expressed their agreement with the Viceroy and the Cabinet Mission on the need for the speedy formation of a representative Interim Government, will do their utmost to arrive at an accommodation upon the composition of that government.

3. As the Government of India must be carried on until a new Interim Government can be formed, it is the intention of the Viceroy to set up a temporary caretaker Government of officials.

4. It is not possible for the Cabinet Mission to remain longer in India as they must return to report to the British Cabinet and Parliament and also to resume their work from which they have been absent for over three months. They therefore propose to leave India on Saturday next, June 29th. In leaving India the members of the Cabinet Mission express their cordial thanks for all the courtesy and consideration which they have received as guests in the country and they most sincerely trust that the steps which have been initiated will lead to a speedy realisation of the hopes and wishes of the Indian people.

37. Letter from Viceroy to Mr. Jinnah, dated 27th June.

Thank you for your letter of yesterday. I am sorry my letter did not reach you till after the meeting of your Working Committee had ended.

2. As we explained to you during our interview on Tuesday, the Cabinet Mission and I consider that in the light of para. 8 of the Statement of 16th June I am clearly bound to make an attempt to form a Government representative of both the major parties since both have accepted the Statement of 16th May.

3. I think you will agree that it is essential to have a short interval before resuming negotiations, and as we informed you, it is proposed to set up a temporary Caretaker Government of officials. I intend reopening negotiations after the elections to the Constituent Assembly have been completed. Meanwhile the Cabinet Mission will return home to report.

38. Letter from Viceroy to Maulana Azad, dated 27th June.

I write to acknowledge receipt of your letter of the 25th June.

The Cabinet Delegation and I very much regret that the Congress Working Committee have not been able to accept the proposals in the Statement of 16th June since if they had done so it would have been possible to complete the work to which we and the Indian Political Leaders have devoted ourselves during the last three months. We are sorry if there was a misunderstanding about the treatment of major communal issues in the Interim Government. We certainly thought that you had accepted it as a self-evident proposition, as indeed it is, that in a Coalition Government it would not be possible to force through issues of this kind in the face of the opposition of either of the main parties.

The Delegation and I are, however, glad to learn from the last paragraph of your letter that the Congress Working Committee accept and are prepared to work the proposals for framing a constitution for India which were put forward in the Delegation's Statement of the 16th May. You say that you adhere to the views and the interpretation of that Statement which were set out in the Congress Working Committee's resolution of the 24th May, and in correspondence and interviews with ourselves. At our interview yesterday we drew your attention to paragraph 8 of our Statement of 25th May. We emphasised that the procedure for dividing up into sections can only altered by a resolution of the Constituent Assembly passed by a majority of both communities under paragraph 19 (vii) of the Statement of May 16th. We were glad to hear at this interview that it is the intention of Congress to enter the Constituent Assembly in a constructive spirit.

We also informed you that in view of the inability of the Congress to co-operate in the Interim Government proposed in our Statement of 16th June, a situation had arisen in which paragraph 8 of that Statement took effect. Accordingly I shall shortly make a further attempt to form an Interim Government as representative as possible of the two main parties. I have however, decided that as the negotiations have already been protracted, and as we have only recently failed to reach agreement, it would be desirable to have a short interval before the matter is taken up again, and have therefore decided to form a Caretaker Government of officials to carry on the administration temporarily.

39. Statement by Mr. Jinnah, dated 27th June*.

I have considered the letter of the Congress President addressed to Lord Wavell dated 25th June,† the resolution of the Working Committee of the Congress released to the Press yesterday ; and the statement of the Cabinet Delegation and the Viceroy issued in New Delhi on Wednesday, 26th June,‡ but a copy of which has not been furnished to me.

I think it is necessary for me to state shortly as to what occurred during the progress of the negotiations at various stages from time to time.

Prior to the Cabinet Delegation's statement of 16th May§ and further statement of 25th May,** the Viceroy at Simla represented to me that he would proceed with the formation of an Interim Government on the basis of the formula 5:5:2, i.e., 5 on behalf to the Muslim League, 5 on behalf of the Congress, one Sikh and one Indian Christian or Anglo-Indian, and that, as regards the portfolios, the most important of them would be equally divided between the Congress and the Muslim League further details being left open for discussion. With the permission of the Viceroy

*Derived from Press sources
§Cmd. 6821

†Item 31 above.
**Cmd 6835

‡Item 36 above.

I was authorised to state this formula to the Working Committee at Simla, on the assumption that the long-term proposals would be such as would be acceptable to us. Thereafter again, on the eve of the meeting of the Working Committee of the Muslim League, in my interview on 3rd June, the Viceroy repeated the same formula and authorised me to communicate it to my Working Committee.

This was one of the most important considerations which weighed with them together with the two statements of the Cabinet Delegation of 16th May and 25th May. The long-term plan and the Interim Government formula together formed one whole, and this formula regarding the Interim Government was an integral part of the whole scheme and as such the Council of the All-India Muslim League gave its final decision on that basis on the 6th of June.

Thereafter, the Viceroy sent for me on 13th June and he suggested a formula of 5 : 5 : 3. Owing to the agitation set on foot by the Congress Press and the opposition of the Congress to the original formula, I had already given a warning to the Viceroy in a letter on 8th June that any departure from this formula, directly or indirectly, would lead to serious consequences and would not secure the co-operation of the Muslim League, and that I might have to call a meeting of the Council of the All-India Muslim League again. At my interview with the Viceroy on 13th June I was told by him that he wanted to change the basis of the original formula and proceed on the basis of 5 Congress, 5 Muslim League and 3 others, *i.e.*, one Sikli, one Scheduled Caste and one Indian Christian or Anglo-Indian.

In spite of the difficulties that I had pointed out would arise, I informed the Viceroy that if the Congress were, finally, to agree to this new formula, I would place it before my Working Committee for their consideration. But even this second proposal of the Viceroy was turned down by the Congress, and His Excellency the Viceroy informed me by his letter of 15th June that he had failed to negotiate an agreement on the basis which he had suggested, and that the Cabinet Delegation and he had decided to issue their statement on 16th June* on the action they proposed to take. Accordingly, the statement of 16th June was issued to the Press and advance copy was sent to me. These were, we were categorically informed, final and not open to any modification, except that the names in the statement could not be regarded as final, until the Viceroy had received acceptances from those invited to take office in the Interim Government.

On 19th June† I wrote to the Viceroy seeking certain clarifications regarding the statement of 16th June, to which a reply was received from him on 20th June after he had consulted the Cabinet Delegation. The following extracts are from that letter of the Viceroy in reply to questions put to him.

“(1) ‘Until I have received the acceptance of those invited, to take office in the Interim Government, the names in the statement cannot be regarded as final. No change is proposed to be made in the statement without the consent of the two major parties.’

“(2) ‘No change in the number of 14 members of the Interim Government will be made without agreement of the two major parties.’

“(3) ‘If any vacancy occurs among the seats at present allotted to the representatives of the minorities, I shall naturally consult both the main parties before filling it.’

“(4) (a and b) ‘The proportion of the members by communities will not be changed without agreement of the two major parties.’

“(5) ‘No decision on a major communal issue could be taken by the Interim Government if the majority of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point.’

I had by my letter of 19th June informed the Viceroy that in view of the serious changes which had from time to time been made to satisfy the Congress, it was not

* Item 21 above.

† Item 23 above.

possible for the Working Committee to arrive at any decision in the matter of formation of the Interim Government, so long as the Congress did not convey their final decision on the proposals of 16th June to the Viceroy and until it was communicated to me.

It was finally arranged that the Congress should give their decision by Sunday, 23rd June, and the League should give its decision on the same day or immediately thereafter. The reply of the Congress was, however, not forthcoming till late in the evening on 25th June and I was asked to meet the Cabinet Delegation and the Viceroy the same evening. There I was furnished with a copy of the letter of the President of the Congress dated 25th June.

According to the arrangement referred to above, I placed this reply before my Working Committee immediately, and the same day the Muslim League Working Committee adopted the following resolution which was communicated to H. E. the Viceroy the same night :—

“The President of the All-India Muslim League placed before the Working Committee a copy furnished to him by the Viceroy and the Cabinet Delegation in the course of their interview with him this evening, of the letter of the Congress President addressed to the Viceroy, conveying the decision of the Congress with regard to the proposals of the Cabinet Delegation and the Viceroy contained in their statements of 16th May and 16th June, 1946.

According to the understanding that the Muslim League Working Committee will give their decision after the Congress has decided, and, as desired by the Viceroy by the letter of his Private Secretary of 21st June, addressed to the Honorary Secretary of the All-India Muslim League, Nawabzada Liaquat Ali Khan, that the decision of the Muslim League be communicated immediately after the reply of the Congress, the Working Committee of the All-India Muslim League hereby resolved to agree to join the Interim Government on the basis of the statement of the Cabinet Delegation and His Excellency the Viceroy dated 16th June, 1946, and the clarifications and assurances given by the Viceroy after consultation with the Cabinet Delegation in his letter dated 20th June, 1946, addressed to the President of the Muslim League.

The Working Committee cannot accept the contention of the Congress contained in the aforesaid letter that the Congress is entitled to adhere to its interpretation of some of the provisions in the statement of the Cabinet Delegation and His Excellency the Viceroy dated 16th May, 1946, which is opposed to the interpretation and explanation embodied in the statement issued by the Cabinet Delegation and the Viceroy on 25th May, 1946.*

With regard to the rest of the letter of the Congress President, the Working Committee reserve their observations for the present.”

I regret that the Cabinet Delegation and the Viceroy should have thought fit to postpone indefinitely the formation of the Interim Government on the basis of their statement of 16th June, as that statement clearly says that the Viceroy aimed at inaugurating the Interim Government about 26th June. It is very difficult to see what are the mysterious reasons and causes for this sudden departure. The Muslim League emphatically disapproves of this action on the part of the Cabinet Delegation and the Viceroy, because all contingencies including rejection by the Congress, were contemplated by and provided for in the statement of 16th June, and Clause 8 of the statement, taken along with the context, is quite clear and the Delegation and the Viceroy were in honour bound to go ahead with the formation of the Interim Government immediately with those who were willing to come into the Interim Government on the basis and principles set out in their statement of 16th June.

As regards the resolution of the Congress, I must emphatically repudiate their bogus claim that they represent India and their claim to “national” character. The Congress are a Hindu organization and they do not represent any other community except the Caste Hindus. They certainly do not represent the Muslims and the mere fact that they have a handful of Muslim henchmen for the purpose of window-dressing cannot give the national character which they claim, nor the right to represent

India upon which they keep on harping. This has been established beyond doubt in the recent elections, the results of which show that the Muslim League carried away 90 per cent. of the total of Muslim seats in the various legislatures, and out of the remaining 10 per cent. the Congress share does not amount to more than four per cent.

The Congress, therefore, have no right to represent or speak on behalf of the Muslims and their refusal to accept the proposals for the formation of the Interim Government is based on sinister motives. Firstly, they wanted to break the parity between the Muslims and the Caste Hindus. It was accepted by them at Simla last year at the conference called by the Viceroy in connexion with the Wavell Proposals, and, secondly, their insistence on nominating a Congress Muslim is aimed at striking at the fundamentals of the League and its Muslim national representative character, and at attempting to establish a false claim that the Congress represents the Muslims and the Muslim League is not the representative organization of Muslim India. As it is pointed out above, the Congress claim is not true nor based upon facts, and therefore the Muslim League cannot be a party directly or indirectly to any course of action which is calculated to prop up this bogus claim.

As regards the safeguard that no decision on any major communal issue could be taken if the majority of the main parties were opposed to it, of which assurance was given by the Viceroy, this is absolutely necessary to protect the Muslim interests as the number is now increased from 12 to 14, and although there is parity between the Caste Hindus and the Muslims, the Muslims will be in a minority of little over one-third in the whole executive.

I gather from the letter of the President of the Congress that the Viceroy represented to him that in his proposal there was no parity either between Hindus and Muslims or between the Congress and the Muslim League in as much as there were to be six Hindus belonging to the Congress as against five Muslims belonging to the Muslim League. One of the six Hindus belonged to the Scheduled Castes. Whether this version is true or not, it is contrary to what the Viceroy said in his letter of 20th June to me which clarifies the points raised by me and in that he says: "The proportion of members by communities will not be changed without the agreement of the two major parties." However, I want to make it clear that if there is any departure made in the principle of parity or if the Congress is allowed to nominate a Muslim, in either case it will be impossible for the Muslim League to agree to it as that would strike at the very fundamentals of the League.

Notwithstanding the clear statement of 16th May and the further statement of the Cabinet Delegation and the Viceroy of 25th May clarifying and finally giving their authoritative interpretation, the Congress, both in the letter of the President and their resolution, adhere to their wrong interpretation that any province or provinces is or are entitled to opt out initially, and that they have a right at any stage to do so. This is clear indication that the Congress is not accepting the long-term proposals in a sincere and honest spirit of co-operation and peaceful settlement. If they persist in this and adopt measures to set at nought what is described by the statement of the Delegation of 25th May to constitute the essential feature of the scheme, the whole plan will be wrecked at its very inception.

As regards the many other statements and allegations that are made in the letter of the Congress President they are merely intended for propaganda and some of them are not relevant to the immediate issues, but I have no means of dealing with them as I do not know what actually took place between the Congress President and the Viceroy or the Delegation, as I have not got the correspondence that passed between them on various points to which references have been made in this letter.

In conclusion, I would like to emphasise that if any attempt is made to whittle down in any way the assurances given to the Muslim League or to change or modify the basis of the statement of 16th June, which has been accepted by the Muslim League, it will be regarded by Muslim India as going back on the part of the Cabinet Delegation and the Viceroy on their pledged word in writing and as a breach of faith. The British Government will in that case forfeit the confidence of Muslim India and of those whom they expect to work on their part, according to their pledged word.

40. Letter from the Viceroy to Mr. Jinnah, dated 28th June.

The Cabinet Mission and I feel that there are certain points in your statement yesterday which it would be wrong to leave unanswered.

You will remember that at an interview which the Cabinet Mission and I had with you on the evening of the 25th June, before the meeting of your Working Committee at which you accepted the proposals in the Statement of the 16th June, we explained to you that as Congress had accepted the Statement of 16th May while refusing to take part in the Interim Government proposed in the Statement of the 16th June, this had produced a situation in which paragraph 8 of the Statement of the 16th June took effect. This paragraph stated that if either of the two major parties was unwilling to join in the setting up of a Coalition Government on the lines laid down in that Statement, the Viceroy would proceed with the formation of an Interim Government which would be as representative as possible of those willing to accept the Statement of the 16th May.

We said that since the Congress and the Muslim League had now both accepted the Statement of 16th May, it was the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which had already taken place, and since we all had other work to do, we felt that it would be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government. Thus whatever interpretation you may put on paragraph 8, your Working Committee can have been in no doubt as to the course we proposed to adopt.

I confirmed in writing the same evening what we had told you.

Secondly, the assurances which you quote in your statement related specifically to the particular Interim Government that would have been set up if both major parties had accepted the Statement of the 16th June.

To prevent misunderstanding I propose to publish this letter together with your letter of the 19th June the substance of which has already appeared in the Press and my reply of the 20th June.

41. Letter from Mr. Jinnah to Viceroy, dated 28th June.

I am in receipt of your letter of 27th June. 1946.

I had already pointed out by my letter of the 26th of June in reply to yours of the 25th, and also, at the interview on Tuesday, 25th June, with you and the Cabinet Delegation that you were in honour bound to proceed forthwith with the formation of your Interim Government in accordance with the Statement of the 16th of June which was final, and the assurances given to us.

The Cabinet Delegation and yourself issued an official Statement late in the evening of 26th June, and as I have already pointed out in my Statement issued to the Press yesterday, by that pronouncement you have chosen to go back upon your pledged word, by postponing the formation of the Interim Government.

Now I have received your letter of 27th June* and hereby inform you that I cannot agree with you when you say in your letter that "it is essential to have a short interval before resuming negotiations". I repeat that you should have proceeded in terms of the paragraph 8 of the Statement of 16th June without delay. But since you have adopted this course of action in the official Statement of the Cabinet Delegation and yourself, which is neither fair nor just, I strongly urge upon you without prejudice, that the elections to the Constituent Assembly should also be postponed as, you know, that according to all the relevant documents and particularly the two Statements of the Cabinet Delegation and yourself dated 16th and 25th of May, the long-term plan and the formation of the Interim Government formed one whole, each constituting an integral part of the whole scheme. It is, therefore, undesirable to proceed with one part, i.e. elections to the Constituent Assembly and to postpone the other

* Item 33 above.

42. Letter from Viceroy to Mr. Jinnah, dated 28th June.

I have received your letter of the 28th June and have shown it to the Cabinet Ministers.

We are quite unable to accept your suggestion that we have gone back on our word. As I have said in a letter to you earlier to-day our course of action was determined by what had been laid down in paragraph 8 of the Statement of the 16th June; and we had made it plain to you before your Working Committee meeting on the 25th June that we proposed to follow this course.

The arrangements for the elections to the Constituent Assembly have already been put into operation and we do not propose to postpone them.

As the substance of your letter was included in the All-India Radio news to-day I am publishing this reply.

43. Letter from Mr. Jinnah to Viceroy, dated 28th June.

I am in receipt of your letter of 28th June. The facts are correctly stated in my statement that was released to the Press yesterday, the 27th of June.

The explanation that you now give in your letter under reply of what took place between me and the Cabinet Delegation and yourself, does not change in any way the position. The fact is that you did not communicate to me your views officially before the meeting of the Working Committee. I requested you to send your views officially to me and you did so by your letter of the 25th June, which reached me at midnight after the Working Committee had passed their Resolution which was released to the Press according to the solemn arrangement that we were to give our reply immediately after the decision of the Congress. If you wish to take the credit that some indication was given to me of the change on your part in the course of the interview, where we discussed so many things, you may do so.

As regards paragraph 2 of your letter I am surprised when you say that the assurances quoted by me from your letter in my Statement were given "if both the major parties had accepted the Statement of the 16th of June". No such indication of any condition is given in your letter of the 20th of June*, which I understand from your Private Secretary has already been released to the Press together with some other correspondence. May I request you to release this letter also?

I have received a second letter from you dated the 28th of June. May I also request you to publish the full text of my letter of the 28th June asking you to postpone the Constituent Assembly elections—and not only a substance of it which might have appeared in the All-India Radio Broadcast—as you propose to release your reply to the Press.

44. Letter from the Viceroy to Mr. Jinnah, dated 29th July.

Thank you for your letter of yesterday. In regard to your paragraph 3, I refer to the opening sentence of paragraph No. 5 of my letter of June 20th† which reads as follows: "On the points which you desire to make clear, in connection with the Government to be formed under our statement of June 16th, I give you the following reply after consultation with the delegation."

I have underlined the relevant words. It was clear from this sentence that the assurances given applied only to the particular interim Government proposed in the statements of June 16th.

I have no objection to your publishing your letter of the 28th June, suggesting the postponement of elections to the Constituent Assembly or your letter under reply.

*Item 25 above.

†Item 24 above.

PAPERS RELATING TO THE SIKHS, THE INDIAN STATES AND THE EUROPEAN COMMUNITY

1. Letter from Master Tara Singh to the Secretary of State, dated 25th May.

Since the British Cabinet Mission's recommendations for the future constitution of India have been published, a wave of dejection, resentment and indignation has run throughout the Sikh community. The reasons are quite obvious.

The Sikhs have been entirely thrown at the mercy of the Muslims. Group B comprises the Punjab, the N.W.F. Province, Sind and Baluchistan; and the representatives given to each community will be Muslims 23, Hindus 9 and Sikhs 4. Can anybody expect from this assembly, constituted as it is, any consideration of justice for the Sikhs? The Cabinet Mission recognises "the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule." But is there no "genuine and acute anxiety" among the Sikhs lest they should find themselves subjected to a perpetual Muslim majority rule? If the British Government is not aware of the Sikh feelings, the Sikhs will have to resort to some measures in order to convince everybody concerned of the Sikh anxiety, in case they are subjected to a perpetual Muslim domination. The Cabinet Mission has not only put under Muslim domination the non-Muslim areas of the Punjab and Bengal, but the whole province of Assam where the non-Muslims are in overwhelming majority. This is evidently done to placate the Muslims. If the first consideration of the Cabinet Mission's recommendations is to give protection to the Muslims, why should the same consideration be not shown for Sikhs. But it appears that the Sikhs have been studiously debarred from having any effective influence in the province, a group or Central Union. I refer to Section 15 (2) and Section 19 (7) in which it has been definitely provided that the majority of both the Hindus and Muslims is necessary for certain purposes. The Sikhs are entirely ignored, though they are as much concerned as the other Communities.

This is how I read the recommendations of the Cabinet Mission. But as the issues are very grave and momentous the Sikh representatives assembled here today to consider the situation created, has advised me to seek clarification from you and find out if there is any hope of such amendments as may save the Sikhs from perpetual domination.

So I put three questions :—

(1) What is the significance of recognising the Sikhs as one of "the main communities"?

(2) Suppose the majority of Section B frames a constitution under Section 19 (5) but the Sikh members do not agree. Does it mean deadlock or does the opposition of the Sikh members mean simply disassociation?

(3) Is there any hope of obtaining for the Sikhs the same right as is given to the Muslims and the Hindus under Section 15 (2) and 19 (7)?

2. Letter from the Secretary of State to Master Tara Singh, dated 1st June, 1946.

Thank you for your letter of 25th May.

The anxieties of the Sikhs were kept prominently in mind when we were drafting the Cabinet Mission's statement and I can certainly claim that of the various alternatives open to us the best one from the Sikh point of view was chosen. You will, I am sure, admit that if India had been divided into two sovereign states, or if the Punjab had been partitioned, either of these decisions would have been far less acceptable to the Sikhs than the one which was actually reached.

I have considered carefully the detailed points you raise at the end of your letter. I fear the Mission cannot issue any addition to, or interpretation of, the Statement. There is, however, no intention whatever to prejudice the position of the Sikhs in the Punjab or in the North-West Group, nor do I think their position has been prejudiced, for it is inconceivable that either the Constituent Assembly or any future Government of the Punjab will overlook the special place in the Province of the Sikhs. The estimate of the importance of your community would never depend on the number of seats that you held in the Constituent Assembly. The Viceroy has

told me that he will be glad, in view of the anxieties you have expressed on behalf of your community, to discuss the position of the Sikhs specially with the leaders of the main parties when the Constituent Assembly has been formed; he hopes he may be able to persuade them, if persuasion is needed, that the interests of the Sikhs should on no account be overlooked.

If you and Sardar Baldev Singh would care to see the Cabinet Mission and the Viceroy in the first week of June, we shall be glad to see you.

3. Resolution of the Sikh Panthic Conference, dated 10th June.*

This representative gathering of Sikhs has given its anxious and earnest consideration to the recommendations of the Cabinet Mission and is of the opinion that these recommendations will perpetuate the slavery of the country rather than promote the independence of India. The recommendations are particularly unjust to the Sikhs, regard being had *inter alia* to the matters specified hereunder :—

(a) That the Cabinet Mission, while recognizing that the establishment of Pakistan would in particular affect adversely the position of the Sikhs have yet, by the compulsory grouping of the Provinces, made recommendations, which in the words of Lord Pethick-Lawrence, Secretary of State for India, "have made it possible for the Muslims to secure all the conditions of Pakistan without incurring the dangers in it."

(b) That the Cabinet Mission, while admitting that the cultural, political and social life of the Muslims might become submerged in a purely unitary India, in which the Hindus with their great superior numbers will be a dominant element, and this in spite of the fact that the Muslims are nine crores in population and constitute a majority in several provinces of India, have deliberately blinded themselves to the same danger to a greater degree in the case of the Sikhs under Muslim domination which will be all the more aggravated by the proposed constitution. Needless to add that even under the existing constitution the Sikhs have been reduced to a position of complete helplessness which has already exasperated them to the verge of revolt.

(c) That, while admitting that the Punjab is the homeland of the Sikhs, the Cabinet Mission have by their recommendations liquidated the position of the Sikhs in their homeland.

(d) That the advisory committee set up under paragraph 20 of the Cabinet Mission's statement is wholly ineffective to safeguard the just rights of the Sikhs.

(e) That, while the Cabinet Mission have made provision for the protection of the rights and interests of the Hindus and Muslims in regard to major communal issues, they have made no such provision for the protection of the rights and the interests of the Sikhs in the Union or the provincial sphere.

Therefore, this Panthic gathering expresses its strong condemnation of the recommendations of the Cabinet Mission and declares that they are wholly unacceptable to the Sikhs. This gathering further affirms that no constitution will be acceptable to the Sikhs which does not meet their just demands and is settled without their consent.

4. Letter from H. H. the Nawab of Bhopal, Chancellor of the Chamber of Princes, to Viceroy, dated 19th June, 1946.

1. The Standing Committee of Princes gave most careful consideration at their recent meetings in Bombay to the proposals of the Cabinet Mission and Your Excellency in regard to the long-range constitutional arrangements and for the interim period. Their views are embodied in the enclosed statement which has been released to the Press and of which an advance copy was forwarded to Sir Conrad.† I would invite your Excellency's particular attention to the attitude taken by the Standing

* The text of this Resolution has been taken from the Press. It was not formally communicated to the Cabinet Mission.

† Sir Conrad Corfield, Political Adviser to the Viceroy in his capacity as Crown Representative.

Committee of Princes on the question of internal reforms in the States as indicated in paragraph 4 of the Press statement.

2. The Standing Committee desired me to convey to the members of the Cabinet Mission and to Your Excellency their grateful appreciation of the genuine efforts made by them, notwithstanding obvious difficulties, to reach as far as possible an agreed settlement of the Indian Constitutional problem. The Standing Committee are of the view that the plan provides the necessary machinery for the attainment by India of independence as well as a fair basis for further negotiations. They welcome the Declaration of the Cabinet Mission in regard to Paramountcy but consider certain adjustments necessary for the interim period which have already been indicated by them. Final decisions of the States and of the Standing Committee, as will doubtless be appreciated, will depend on the completed picture which may emerge from the proposed negotiations and discussions.

3. The Standing Committee desire in particular to convey their gratitude to Your Excellency for your valuable advice and assistance during these negotiations to safeguard the legitimate interest of the States, and they would request that their grateful thanks may also be conveyed to Sir Conrad Corfield who, as Your Excellency knows, has been very helpful. The Committee feel confident that with your support the various matters which have been left undefined or for future negotiations and discussions will be settled on merits to the satisfaction of the States.

4. The Standing Committee have decided, in response to Your Excellency's invitation, to set up a Negotiating Committee whose personnel is given in the enclosed list.* The Committee did their utmost to keep the number small as desired by Your Excellency but they felt that it would not be possible for them to reduce that number. I shall be grateful if I am informed as early as possible of the time and place when this Committee is expected to meet, and the personnel of the corresponding Committee which may be set up by the representatives of British India on the Constituent Assembly. The result of these negotiations are proposed to be considered by the Standing Committee of Princes, the Committee of Ministers and the Constitutional Advisory Committee whose recommendations will be placed before a General Conference of Rulers and Representatives of States. The decision on the question whether the States should or should not join the Constituent Assembly will be taken by that Conference and will depend on the result of the forth-coming negotiations.

5. A list of representatives of the States for the proposed Committee on matters of common concern to British India and the States is also enclosed. It was necessary to accommodate on it various important interests and regions of States and to include persons with special knowledge of subjects which are likely to be taken up at the deliberation of this Committee. It is understood, however, that all the members of this Committee would not be required to attend every meeting, and that ordinarily not more than five or six, whatever the number from British India, would be invited by the Chancellor to participate in the discussions according to the nature of subjects on the Agenda. Provision will also have to be made for the co-option of representatives from any State or group of States, not directly represented on the Committee, when any special questions particularly affecting them are under discussion. Draft rules for the conduct of business and other details relating to this Committee will be discussed with Sir Conrad and it is believed that Your Excellency may also have to consult the interim Government in regard to these matters.

6. In the meantime, as desired by Your Excellency, questions relating to the exercise of Paramountcy in the interim period are proposed to be pursued with Sir Conrad and any outstanding points will be submitted to Your Excellency. The Standing Committee have authorised me to conduct further negotiations in regard to these matters with a view to reaching early decisions.

* This list is not reproduced as it is at present confidential.

Enclosure I

PRESS STATEMENT BY THE STANDING COMMITTEE.

The Standing Committee of the Chamber of Princes have in consultation with the Committee of Ministers and the Constitutional Advisory Committee given careful consideration to the Statement issued by the Cabinet Delegation and His Excellency the Viceroy on 16th May, 1946. They have also examined the Delegation's Memorandum on States Treaties and Paramountcy, and the further statement of 26th May. They are of the view that the Plan provides the necessary machinery for the attainment by India of independence as well as a fair basis for further negotiations. They welcome the Declaration of the Cabinet Mission in regard to Paramountcy, but certain adjustments for the interim period will be necessary.

2. There are however a few points in the Plan which still require elucidation. There are also several matters of fundamental importance which are left over for negotiation and settlement. The Standing Committee have therefore accepted the invitation of His Excellency the Viceroy to set up a Negotiating Committee and have authorised the Chancellor to arrange discussions as contemplated in the Plan. It is proposed to place the results of these negotiations before a General Conference of Rulers and Representatives of States.

3. As regards the arrangements for the interim period, the Standing Committee confirm the following proposals made by the Chancellor :—

(a) that a Special Committee may be set up consisting of representatives of the States and of the Central Government to discuss and reach agreement on matters of common concern during the interim period ;

(b) that disputes on justiciable issues and on fiscal, economic or financial matters should be referable to Courts of Arbitration as a matter of right ;

(c) that in personal and dynastic matters the agreed procedure should be implemented in letter and spirit, and the Crown Representative should ordinarily consult the Chancellor and a few other Princes if not objected to by the States concerned ;

(d) that in agreement with the States, machinery may be provided for the early settlement of the pending cases and for the revision, at the instance of the States concerned, of the existing arrangements in regard to such subjects as Railways, Ports and Customs.

The Committee have therefore authorised the Chancellor to conduct further negotiations with a view to reaching early decisions.

4. The Standing Committee endorse the suggestion made by the Cabinet Delegation that the States " will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of the States during this formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions." The Standing Committee wish to emphasise the necessity for the States, which have not done so, to declare immediately their decision to follow the lines of internal reforms laid down in the declaration made by the Chancellor at the last Session of the Chamber of Princes and to take necessary steps to implement that decision within 12 months.

5. Letter from the Viceroy to H. H. the Nawab of Bhopal, Chancellor of the Chamber of Princes, dated 29th June.

I am much obliged to your Highness for your letter of 19th June, in which your Highness informs me of the conclusions reached by the Standing Committee of Princes as a result of their deliberation at Bombay in the second week of June

The Cabinet Mission and I welcome the attitude which the Princes have adopted towards the plan which we have proposed for the solution of India's constitutional problem, and we particularly appreciate the action of the Standing Committee in endorsing the suggestions we made in regard to the manner in which States could best themselves to make their due contribution to India's new constitutional structure. We are confident that, when the time comes for the States to make their final decision, that decision will be characterised by the same sense of realism and the same spirit of accommodation as have already been manifested.

I greatly appreciate the sentiments expressed by the Standing Committee in regard to myself and my Political Adviser. I should like to assure your Highness and the Standing Committee that we shall continue, during the forthcoming negotiations, to give such assistance as is in our power to the promotion of agreed conclusions satisfactory alike to the States and to British India.

I have taken note of the personnel selected by the States to represent them on a negotiating committee. I will inform Your Highness, as soon as I am in a position to do so, of the time and place of the Committee's meeting. The composition of the corresponding committee from British India cannot, I think, be determined in advance of the preliminary session of the Constituent Assembly.

I understand from Sir Conrad Corfield that he is already engaged in active discussions with the authorities of the Central Government about the machinery for giving effect to the Princes' proposal for a Consultative Committee to deal with matters of common concern to British India and the States. Sir Conrad will, no doubt, keep Your Highness fully informed of the progress made in these discussions, and myself intend, at a later stage, to place the proposal before the Interim Government.

I shall be grateful if Your Highness will convey to the Standing Committee of Princes my appreciation of the helpful attitude they have adopted towards the complex constitutional problems with which India is confronted. Under Your Highness's presidency, the Standing Committee have given a lead which will, I trust, be followed by all Princes of India.

Resolution passed by the European Party in the Bengal Legislative Assembly on 15th June.

Desiring to avoid a breakdown of the Cabinet plan, and agreeing that Indians should decide the future constitution of India, the European Party in the Bengal Assembly will not nominate anyone for election to the Constituent Assembly and will not vote for any European to sit in the Constituent Assembly. They will agree to cast their votes in accordance with any agreement reached between the two major parties.

Statement by the European Party in the Bengal Legislative Assembly, dated 5th July.

"As the two major Indian political parties have come to no agreement on the exercise by the European party in the Bengal Assembly of their votes in the forthcoming elections to the Constituent Assembly, and as, on the contrary, to exercise their franchise seems likely to be a continuing source of discord, the European party in the Bengal Assembly, in accordance with their previously expressed policy, and sincerely hoping that their decision will contribute to the successful working of the constitution-making machinery by all the Indian political parties, have decided to abstain from voting in the forthcoming elections to the Constituent Assembly."